

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 2012 Nr. 113

A. TITEL

*Europees Verdrag betreffende uitlevering;
Parijs, 13 december 1957*

B. TEKST

De Engelse en de Franse tekst van het Verdrag zijn geplaatst in *Trb.* 1965, 9.

C. VERTALING

Zie *Trb.* 1965, 9.

D. PARLEMENT

Zie *Trb.* 1969, 62, *Trb.* 1991, 78, *Trb.* 1993, 110 en de rubrieken H van *Trb.* 1993, 163, *Trb.* 1994, 7, *Trb.* 1994, 21, *Trb.* 1994, 38, *Trb.* 1994, 66, *Trb.* 1994, 115, *Trb.* 1994, 167, *Trb.* 1994, 218, *Trb.* 1995, 45, *Trb.* 1995, 231, *Trb.* 1996, 93, *Trb.* 1996, 124, *Trb.* 1996, 140, *Trb.* 1996, 278, *Trb.* 1997, 231, *Trb.* 1997, 247, *Trb.* 2000, 13, *Trb.* 2000, 53, *Trb.* 2001, 22 en *Trb.* 2002, 54.

E. PARTIJGEGEVENS

Zie rubriek E van *Trb.* 1965, 9, rubriek F van *Trb.* 1969, 62 en rubriek H van *Trb.* 1991, 78.

Partij	Onder-tekening	Ratificatie	Type*	In werking	Opzeg-ging	Buiten werking
Albanië	19-05-98	19-05-98	R	17-08-98		
Andorra	11-05-00	13-10-00	R	11-01-01		
Armenië	11-05-01	25-01-02	R	25-04-02		

Partij	Onder- tekening	Ratificatie	Type*	In werking	Opzeg- ging	Buiten werking
Azerbeidzjan	07-11-01	28-06-02	R	26-09-02		
België	13-12-57	29-08-97	R	27-11-97		
Bosnië en Herzegovina	30-04-04	25-04-05	R	24-07-05		
Bulgarije	30-09-93	17-06-94	R	15-09-94		
Cyprus	18-09-70	22-01-71	R	22-04-71		
Denemarken	13-12-57	13-09-62	R	12-12-62		
Duitsland	13-12-57	02-10-76	R	01-01-77		
Estland	04-11-93	28-04-97	R	27-07-97		
Finland		12-05-71	T	10-08-71		
Frankrijk	13-12-57	10-02-86	R	11-05-86		
Georgië	22-03-00	15-06-01	R	13-09-01		
Griekenland	13-12-57	29-05-61	R	27-08-61		
Hongarije	19-11-91	13-07-93	R	11-10-93		
Ierland	02-05-66	02-05-66	R	31-07-66		
IJsland	27-09-82	20-06-84	R	18-09-84		
Israël		27-09-67	T	26-12-67		
Italië	13-12-57	06-08-63	R	04-11-63		
Kroatië		25-01-95	T	25-04-95		
Letland	30-10-96	02-05-97	R	31-07-97		
Liechtenstein		28-10-69	T	26-01-70		
Litouwen	09-11-94	20-06-95	R	18-09-95		
Luxemburg	13-12-57	18-11-76	R	16-02-77		
Macedonië, de voormalige Joegoslavische Republiek	28-07-99	28-07-99	R	26-10-99		
Malta	19-03-96	19-03-96	R	17-06-96		
Moldavië	02-05-96	02-10-97	R	31-12-97		
Monaco	30-01-09	30-01-09	R	01-05-09		

Partij	Onder- tekening	Ratificatie	Type*	In werking	Opzeg- ging	Buiten werking
Montenegro		14-06-06	VG	06-06-06		
Nederlanden, het Koninkrijk der – Nederland: – in Europa – Bonaire – Sint Eustatius – Saba – Aruba – Curaçao – Sint Maarten	21-01-65	14-02-69 – – – – – –	R	15-05-69 10-10-10 10-10-10 10-10-10 01-10-93 10-10-10 10-10-10		
Noorwegen	13-12-57	19-01-60	R	18-04-60		
Oekraïne	29-05-97	11-03-98	R	09-06-98		
Oostenrijk	13-12-57	21-05-69	R	19-08-69		
Polen	19-02-93	15-06-93	R	13-09-93		
Portugal	27-04-77	25-01-90	R	25-04-90		
Roemenië	30-06-95	10-09-97	R	09-12-97		
Russische Federatie	07-11-96	10-12-99	R	09-03-00		
San Marino	29-09-00	18-03-09	R	16-06-09		
Servië		30-09-02	T	29-12-02		
Slovenië	31-03-94	16-02-95	R	17-05-95		
Slowakije		19-01-93	VG	01-01-93		
Spanje	24-07-79	07-05-82	R	05-08-82		
Tsjechië		19-01-93	VG	01-01-93		
Tsjechoslowakije (<01-01-1993)	13-02-92	15-04-92	R	16-07-92		
Turkije	13-12-57	07-01-60	R	18-04-60		
Verenigd Koninkrijk	21-12-90	13-02-91	R	14-05-91		
Zuid-Afrika		12-02-03	T	13-05-03		
Zuid-Korea		29-09-11	T	29-12-11		
Zweden	13-12-57	22-01-59	R	18-04-60		

Partij	Onder- tekening	Ratificatie	Type*	In werking	Opzeg- ging	Buiten werking
Zwitserland	29-11-65	20-12-66	R	20-03-67		
* O=Ondertekening zonder voorbehoud of vereiste van ratificatie, R=Bekrachtiging, aanvaarding, goedkeuring of kennisgeving, T=Toetreding, VG=Voortgezette gebondenheid, NB=Niet bekend						

Uitbreidingen

Frankrijk

Uitgebreid tot	In werking	Buiten werking
Frans Guyana	11-05-1986	
Frans-Polynesië	01-07-1991	
Guadeloupe	11-05-1986	
Martinique	11-05-1986	
Mayotte	01-07-1991	
Nieuw Caledonië	01-07-1991	
Réunion	11-05-1986	
Sint Pierre en Miquelon	01-07-1991	
Wallis en Futuna	01-07-1991	

Verenigd Koninkrijk

Uitgebreid tot	In werking	Buiten werking
Guernsey	14-05-1991	
Jersey	14-05-1991	
Man	14-05-1991	

Verklaringen, voorbehouden en bezwaren

Albanië, 19 mei 1998

Relating to paragraph 1 of Article 2 of the Convention, the Albanian Party has no minimum limits for the term of imprisonment for the effect of extradition. The Albanian Party considers this declaration as valid only in conditions of reciprocity.

Relating to paragraph 1, sub-paragraph a, of Article 6, the Albanian Party refuses the extradition of its nationals, unless otherwise provided in the international agreements to which Albania is a Contracting Party. Relating to paragraph 1, sub-paragraph b, of Article 6, the Albanian Party includes in the term “nationals” the persons with double nationality, in case either of them is Albanian.

Relating to paragraph 1 of Article 7, the Albanian Party does not allow the extradition of the persons who have committed offences either in the Albanian territory or outside it, when the offence has injured the interests of the State or of the nationals, unless it is otherwise agreed with the interested Party. This declaration is valid only in conditions of reciprocity.

Relating to paragraph 2 of Article 19, the Albanian Party declares that when a person asked to be surrendered is serving a sentence for another offence, he or she, in the event of extradition, shall be permitted to serve the full sentence in the requesting country. This declaration is valid only in conditions of reciprocity.

Relating to paragraph 4, sub-paragraph a, of Article 21, the Albanian Party declares that prior notification is not necessary in cases of transit by air that does not schedule a landing in Albanian territory.

Relating to paragraph 2 of Article 12, the Albanian Party presents the reservation that the request for extradition must be accompanied always by the original text, or authenticated copy of the applied law.

Andorra, 13 oktober 2000

Article 14, paragraph 1, of the Law “qualificada” on Extradition prohibits the extradition of persons having the Andorran nationality. For the purposes of this Convention, the term “national” means any person having the Andorran nationality at the time of the commission of the facts in accordance with the provisions of the Law “qualificada” on Andorran nationality.

Article 8, paragraph 3, of the Constitution of the Principality of Andorra prohibits the death penalty. When the offence for which the extradition is requested may be punishable by death under the law of the requesting Party, the Principality of Andorra shall refuse extradition, unless the requesting Party gives such assurance as considered sufficient by the requested Party that the death penalty will not be executed.

In the case of a request for provisional arrest, the Principality of Andorra shall require, as complementary information, a short statement of the facts alleged against the person sought.

The Principality of Andorra will only grant transit when all the conditions required for the granting of extradition are fulfilled in accordance with this Convention.

The Principality of Andorra will require the requesting Party to supply a translation of the request for extradition and all accompanying documents into Catalan, Spanish or French.

The Constitution of the Principality of Andorra prohibits special courts in its Article 85, paragraph 2., Extradition shall therefore not be granted in cases if the person sought would be tried in the requesting State by a special court or if extradition is requested for the enforcement of a sentence or detention order imposed by such a court.

In the same way, and pursuant to Article 14, paragraphs 12, 13, 14 and 15 of the Law “qualificada” of the Principality of Andorra [Law which, to be passed, requires a higher majority than other laws], extradition shall not be granted:

- a. when the sentence is based on a manifest error;
- b. when extradition is likely to have consequences of an exceptional gravity for the person sought, particularly by reason of his or her age or state of health;
- c. when the person sought would be tried in the requesting State by a tribunal which does not assure the fundamental procedural guarantees and the protection of the rights of the defence or by a tribunal created for that person’s particular case, as the only person concerned or not.

The Principality of Andorra reserves itself the right to require the requesting Party to produce evidence establishing a sufficient presumption that the offence was committed by the person whose extradition is requested. Should such evidence be deemed insufficient, extradition may be refused.

Armenië, 25 januari 2002

In respect of Article 1 of the Convention, the Republic of Armenia reserves the right to refuse to grant extradition:

- a. if the person to be extradited will be brought before an extraordinary court or in respect of the person who is to serve a sentence passed by such a court;
- b. if there are sufficient grounds to suppose that in result of the person’s state of health and age her/his extradition will be injurious to her/his health or threaten her/his life;
- c. if political asylum is granted in the Republic of Armenia to the person, whose extradition is requested.

The Republic of Armenia declares that the extradition for the serving of a sentence, provided in Article 2, paragraph 1 of the Convention, will be granted if the person, whose extradition is requested, has been convicted for a period of at least six months or a more severe penalty.

As the legislation of the Republic of Armenia does not define the notion of “political offence” or that of “offence connected with a political offence”, the Republic of Armenia, being requested for extradition on such grounds, will grant extradition if the offence mentioned in the request is considered as such under its ordinary criminal law or under the International Treaties in force in the Republic of Armenia.

As all military offences are under the ordinary criminal law of the Republic of Armenia, extradition requested by another Party will be

granted if the offence, in respect of which the request for the extradition is made, is also under ordinary criminal law of the requesting Party.

Pursuant to sub-paragraph a of paragraph 1 of Article 6, the Republic of Armenia declares that it will not extradite its nationals.

Pursuant to sub-paragraph c of paragraph 1 of Article 6, nationality of the Republic of Armenia within the meaning of this Convention shall be determined at the time of the decision concerning extradition.

Provisional arrest, provided in paragraph 4 of Article 16, will be terminated in any case, if, within a period of one month after arrest, the requested Party has not received the request for extradition and the documents mentioned in Article 12.

The Republic of Armenia declares that the request for extradition and documents to be produced shall be accompanied by a certified translation into the Armenian language or into one of the official languages of the Council of Europe.

Azerbeidzjan, 28 juni 2002

The Republic of Azerbaijan declares that transit of extradited persons through the territory of the Republic of Azerbaijan will be allowed subject to the observations of the same conditions as for extradition.

The Republic of Azerbaijan declares that it is unable to guarantee the application of the provisions of the Convention and its Additional Protocols in the territories occupied by the Republic of Armenia until these territories are liberated from that occupation (the schematic map of the occupied territories of the Republic of Azerbaijan is enclosed).

The Republic of Azerbaijan reserves the right not to grant extradition on humanitarian grounds taking into consideration the age or state of health of the person sought.

The Republic of Azerbaijan will refuse the extradition if there are sufficient grounds for supposing that the extradition would affect the sovereignty or national security of the Republic of Azerbaijan.

The Republic of Azerbaijan will refuse to grant extradition if there are sufficient grounds for supposing that the person requested for extradition will be exposed to torture or other cruel, inhuman or degrading treatment or punishment in the requesting State.

The Republic of Azerbaijan will not grant extradition if there are sufficient grounds for supposing that the person requested for the extradition will be persecuted for reasons of race, nationality, language, religion, citizenship or political opinion.

The Republic of Azerbaijan declares that according to Article 53 (II) of the Constitution of the Republic of Azerbaijan in no circumstances a citizen of the Republic of Azerbaijan shall be extradited to another State. In this respect the Republic of Azerbaijan in any case will refuse to extradite its citizens.

The Republic of Azerbaijan declares that the requests for extradition and the documents annexed thereto must be submitted with a translation into Azerbaijani language.

België, 29 augustus 1997

Belgium considers that the rule of speciality is not applicable when the person claimed by Belgium has given, before the judicial authority of the requested State, his or her explicit consent to be prosecuted and punished on whatever count if this possibility is provided for in the legislation of the latter State. If, on the other hand, the extradition is requested from Belgium, it considers that, when the person to claimed has formally renounced to the formalities and guarantees of extradition, the rule of speciality shall no longer apply.

Belgium considers that the exception provided for by Article 15 is extended, in the event that the person surrendered to Belgium has renounced to the speciality of extradition according to the legislation of the requested Party.

The Belgian Government will allow transit through its territory on the same conditions on which extradition is granted.

If the request for extradition and the documents to be produced are in the language of the requesting Party and this language is neither Dutch, French, nor German, they must be accompanied by a translation into French.

Belgium reserves the right not to grant extradition if the person claimed could be brought before a court of special jurisdiction, or if the extradition is requested for the execution of a sentence rendered by such a court.

Extradition will not be granted when the surrender might have consequences of an exceptional gravity for the person claimed, in particular on account of his or her age or health.

The obligation to release after the expiry of 30 days provided for by Article 18, paragraph 4, will not be applicable in the event that the person claimed has introduced an appeal against the decision to extradite or concerning the legality of the detention.

The Government of the Kingdom of Belgium will grant the temporary surrender provided for by Article 19, paragraph 2, only if it concerns a person who serves a sentence on its territory and if particular circumstances require it.

By reason of the special arrangements between the Benelux countries, the Belgian Government does not accept Article 28, paragraphs 1 and 2, in respect of its relations with the Kingdom of the Netherlands and the Grand Duchy of Luxembourg.

The Belgian Government reserves the right to derogate from these provisions in respect of its relations with the other member States of the European Community.

België, 26 april 2004

In accordance with Article 28, paragraph 3, of the European Convention on Extradition, Belgium declares that it applies the Law of 19 December 2003, implementing the European Union Council's Framework Decision of 13 June 2002 on the European arrest warrant and the surrender

procedures between Member States, to the arrest and surrender of all persons since 1 January 2004 in relations between Belgium and the Member States of the European Union. This Law shall apply also to relations between Belgium and the new Member States as from the date of their accession to the Union.

By way of exception, the European Convention on Extradition of 13 December 1957 and other conventions relating to extradition will continue to apply on a transitory basis:

1. with Member States which have not implemented the Framework Decision as from 1 January 2004 or on the date of their accession, and until these States will have notified to the Secretariat General of the Council of the European Union that they have put themselves into conformity;
2. for the surrender to Belgium (as requesting State) of persons:
 - a) sought after for acts committed before 1 November 1993 and arrested in France;
 - b) sought after for acts committed before 7 August 2002 and arrested in Austria or in Italy.

België, 10 februari 2010

On 1 February 2010, a Convention between the Kingdom of the Netherlands and the Kingdom of Belgium came into effect under which the Netherlands made available to Belgium a prison located on Dutch territory (Tilburg) for the execution of criminal sentences imposed in Belgium under Belgian law(*). The Convention applies in principle until 31 December 2012, but the validity period may be reduced to 31 December 2011, or extended until 31 December 2013.

The Convention contains a specific provision for criminal co-operation with third States. Article 18 of the

Convention deals with criminal action at the request of third States concerning Belgian prisoners detained in the prison located on Dutch territory. According to the first paragraph of this provision, the Netherlands will not examine requests for extradition and/or mutual assistance from third States, but they will transmit them to Belgium. This agreement logically follows on from other provisions of the Convention, according to which the judicial and other authorities of the Netherlands do not normally deal with prisoners of the prison of Tilburg.

In this context, Belgium and the Netherlands communicate the following:

Requests for extradition and provisional arrest

We recommend that States Parties to the European Convention on Extradition send exclusively to the Belgian authorities requests for extradition and provisional arrest of persons detained in the prison of Tilburg under the Convention concluded on 31 October 2009 in Tilburg between the Kingdom of the Netherlands and the Kingdom of Belgium, on the provision of a prison in the Netherlands for the enforcement of prison sentences imposed under Belgian law. If the Dutch authorities still receive requests for extradition or for provisional arrest of these persons, they

will not deal with them but will transmit them to the Belgian authorities for further action.

Alerts via Interpol for the surrender and the requests for provisional arrest of persons who are in the prison in Tilburg will not be carried out in the Netherlands.

Requests for mutual assistance

We recommend that central and judicial authorities of the States Parties to the Convention on Mutual Assistance in Criminal Matters send exclusively to the competent Belgian authorities requests for mutual assistance concerning persons detained in the prison of Tilburg under the Convention concluded on 31 October 2009 in Tilburg between the Kingdom of the Netherlands and the Kingdom of Belgium, on the provision of a prison in the Netherlands for the enforcement of prison sentences imposed under Belgian law. If, nevertheless, requests for mutual assistance concerning these persons are sent to the Netherlands, they will be forwarded to the competent authorities of the Kingdom of Belgium.

Bulgarije, 17 juni 1994

Extradition may be refused if the person proceeded against is to be tried by a special court in the requesting state or if a sentence delivered by such a court will be executed against that person.

Extradition for military offences which are also offences under ordinary law may be granted solely on condition that the person extradited will not be tried by a military court or accused of a military offence.

The Republic of Bulgaria declares its right to refuse extradition if the requesting party refuses extradition in similar cases, in accordance with Article 7, paragraph 2.

The Republic of Bulgaria declares that it will allow transit on the same conditions on which extradition is granted.

Bulgarije, 11 maart 2002

The Republic of Bulgaria declares that it will require that all documents be sent together with a translation into Bulgarian, or in the absence of such, with a translation into either of the official languages of the Council of Europe.

Bulgarije, 13 november 2006

The Republic of Bulgaria declares that it will refuse extradition of its nationals. The Republic of Bulgaria declares that it will recognize as a national for the purposes of the Convention any person having Bulgarian nationality at the time of receiving the request for extradition.

Cyprus, 18 september 1970

The Government of the Republic of Cyprus declares that under Article 11.2.f. of the Constitution of the Republic no extradition of citizens of the Republic can be made. The provisions, therefore, of this Article, as

far as the Republic of Cyprus is concerned, should be restricted to extradition of aliens.

Article 21:

With regard to citizens of the Republic the same declaration is made [as] in respect of Articles 1 and 6.

Cyprus, 25 mei 2001

The Government of the Republic of Cyprus declares that so long as under its Constitution no extradition of citizens of the Republic is allowed (cf. declaration in respect of Article 1) the term “nationals” within the meaning of the Convention, as far as the Republic of Cyprus is concerned, should mean “citizens of the Republic of Cyprus or persons who, under the provisions relating to citizenship of the Republic in force for the time being, would be entitled to become citizens of the Republic”.

Furthermore, under the provisions of the Criminal Code of Cyprus citizens of the Republic may be prosecuted in Cyprus, for offences committed in a foreign country punishable with imprisonment exceeding two years if the act or omission constituting the offence is also punishable by the law of the country where it was committed.

The Government of Cyprus withdraws the declaration made with respect to Article 11 of the Convention on Extradition, in the light of the fact that the death penalty has already been abolished in Cyprus for crimes to which the aforesaid Convention is applied.

Furthermore, the Government of Cyprus declares that, for the very same reason, the second paragraph of the declaration made with respect to Article 6 of the Convention is also amended by deleting the words “death or” in its second line.

Cyprus, 24 mei 2005

In accordance with Article 28, paragraph 3, of the Convention, the Cyprus Government notifies the implementation in Cyprus legislation of the European Union Council Framework Decision of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States of the European Union (2002/584/JHA).

The Framework Decision was implemented in Cyprus legislation by Law n° 133 of 30 April 2004. The Law has entered into force on 1 May 2004 and is applicable to requests for surrender (extradition) made by Member States of the European Union as from that date. The provisions of the European arrest warrant thereby replace corresponding provisions of the European Convention on Extradition of 13 December 1957 and its two Protocols of 15 October 1975 and 17 March 1978 in the mutual relationship between Cyprus and the other Member States of the European Union.

Denemarken, 13 september 1962

Article 1

Extradition may be granted on condition that the person charged with an offence shall not be proceeded against before a special court. Extradition may be refused if its object is the execution of a sentence pronounced by such a court.

Extradition may be refused if it is liable to have particularly serious consequences for the person claimed on account of his age, state of health or other personal reasons.

Articles 1 and Article 9

Extradition may be refused if the competent authorities of a third State have, by a final judgment, either acquitted or convicted the person concerned in respect of the offence giving rise to the request for extradition, or if the competent authorities of a third State have decided to waive or to discontinue proceedings in respect of the same offence.

Article 3, paragraph 3

A decision as to whether, in a given instance, the taking or attempted taking of the life of a Head of State or a member of his family is to be deemed a political offence shall be made after consideration of the facts of the case.

Article 4

Extradition for a military offence which is also a civil offence may only be granted provided the extradited person is not convicted under military law.

Article 12

Where seemingly indicated by special circumstances, the Danish authorities may require the requesting country to produce evidence establishing a sufficient presumption of guilt on the part of the person concerned. Should such evidence be deemed insufficient, extradition may be refused.

Article 6

The term "national" means in Denmark a national of Denmark, Finland, Iceland, Norway or Sweden, or a person domiciled in one of those countries.

Article 28, paragraph 3

The Convention will not apply to Denmark's relations with Norway and Sweden, extradition between the Scandinavian countries being governed by uniform legislation.

Denemarken, 25 november 2003

In accordance with Article 28, paragraph 3, of the European Convention on Extradition the Danish Government hereby notifies of the implementation in Danish legislation of the EU Framework Decision of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States of the European Union (2002/584/JHA).

The Framework Decision was implemented in Danish law by Act no. 443 of 10 June 2003. The Act will enter into force on 1 January 2004 and will be applicable to requests for surrender (extradition) made by

Member States of the European Union as from that date. The provisions of the European arrest warrant will thereby replace corresponding provisions in the European Convention on Extradition of 13 December 1957 and its two Protocols of 15 October 1975 and 17 March 1978 in the mutual relationship between Denmark and the other Member States of the European Union.

Reference is made to Article 31 (1)(a) of the EU Framework Decision.

Duitsland, 2 oktober 1976

Extradition of Germans from the Federal Republic of Germany to a foreign country is not permitted by virtue of Article 16, paragraph 2, first sentence, of the Basic Law for the Federal Republic of Germany and must, therefore, be refused in every case. The term “nationals” within the meaning of Article 6, paragraph 1 b., of the European Convention on Extradition covers all Germans within the meaning of Article 116, paragraph 1, of the Basic Law for the Federal Republic of Germany.

In a case of transit under Article 21 of the European Convention on Extradition Article 11 of the Convention will be applied *mutatis mutandis*. Transit of a German through the territory of the Federal Republic of Germany is not permitted by virtue of Article 16, paragraph 2, first sentence, of the Basic Law for the Federal Republic of Germany and must, therefore, be refused in every case.

Where transit is to be effected by air through the territory of the Federal Republic of Germany without any intention to land, an assurance will be required to the effect that, according to the facts known to the requesting Party and the documents in its possession, the extradited person is not a German and does not claim such status.

Where the request for extradition and the documents to be produced are not in the German language they must be accompanied by translations of the request and the documents into the German language or into one of the official languages of the Council of Europe.

Duitsland, 18 augustus 2004

In accordance with Article 28, paragraph 3, of the European Convention on Extradition, the Federal Government declares that the Council Framework Decision of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States has been implemented in German law by the Law of 21 July 2004 on the European arrest warrant and the surrender procedures between Member States of the European Union (Law on the European arrest warrant – EuHbG). The Law will come into force on 23 August 2004.

From this date the dispositions on the the European arrest warrant replace the corresponding dispositions of the European Convention on Extradition of 13 December 1957 and its two Protocols of 15 October 1975 and 17 March 1978 in the mutual relationship between Germany and the other Member States of the European Union. Nevertheless, the treaties mentioned hereabove still apply subsidiarily, to the extent that

they offer the possibility to go beyond the objectives of the European arrest warrant, contribute to simplify or facilitate the procedures and to the extent that the Member state concerned also continues to apply them. The same applies to bilateral agreements concluded by the Federal Republic of Germany with different Member States of the European Union.

Duitsland, 9 november 2010

By way of supplementation of the Declaration made on 17 August 2004 in accordance with Article 28, paragraph 3 of the European Convention on Extradition, the Federal Government declares that the Act to Implement the Framework Decision on the European arrest warrant and the surrender procedures between Member States (Act on the European arrest warrant – EuHbG) has been reworded in the form of the Act of 20 July 2006 following a decision given by the Federal Constitutional Court on 18 July 2005. The new Act entered into force on 2 August 2006.

By way of amendment of the Declaration of 17 August 2004, the Federal Government declares that, as from 23 August 2004, the provisions concerning the European arrest warrant shall supersede the corresponding provisions in the European Convention on Extradition of 13 December 1957 and its two Protocols of 15 October 1975 and 17 March 1978 in the mutual relationship between Germany and the other Member States of the European Union. They shall be applicable in the relationship with another Member State of the European Union only if the Framework Decision is not applicable. The same apply to bilateral agreements concluded by the Federal Republic of Germany with individual Member States.

Estland, 28 april 1997

Pursuant to Article 6, paragraph 1, sub-paragraph (b) of the Convention, the Republic of Estonia declares that the term “national” within the meaning of this Convention means nationals of the Republic of Estonia.

Pursuant to Article 6, paragraph 1, sub-paragraph (a) of the Convention, the Republic of Estonia reserves the right to refuse extradition of one of her own nationals, if the national has not consented to it.

Pursuant to Article 23 of the Convention, the Republic of Estonia declares that requests and their annexes presented to the Republic of Estonia shall be accompanied by a translation into English.

Finland, 12 mei 1971

Within the meaning of this Convention the term “nationals” shall denote nationals of Finland, Denmark, Iceland, Norway and Sweden as well as aliens domiciled in these States.

The Convention shall not apply to extradition for offences between Finland, Denmark, Iceland, Norway and Sweden because extradition between these States is governed by uniform legislation.

Finland reserves the right, when granting extradition, to stipulate that the extradited person shall not be prosecuted for the offence in question in a court which is only provisionally, or under exceptional circumstances, empowered to deal with such offences. Extradition requested for the execution of a sentence rendered by such special court may be refused. Finland reserves the right to refuse extradition, if extradition on account of the age, the state of health or any other condition affecting the individual in question or on account of special conditions would be unreasonable for human reasons.

Finland reserves the right to regard the offence mentioned in paragraph 3 of this Article 3 as a political offence, if such offence has been committed in open fight.

Where a military offence also comprises an offence in respect of which extradition otherwise is permissible, Finland reserves the right to stipulate that the extradited person shall not be punished under a provision pertaining to military offences.

If the person taken into custody, whose extradition has been granted, has not been taken over by the requesting State on the date appointed, Finland reserves the right to release him immediately.

Finland, 21 april 2004

In accordance with Article 28, paragraph 3 of the European Convention on Extradition, Finland will apply the national legislation implementing the Council Framework Decision (2002/584/JHA) on the European arrest warrant and the surrender procedures between Member States in relation to Member States of the European Union.

Frankrijk, 10 februari 1986

Extradition shall not be granted if the person sought would be tried in the requesting State by a tribunal which does not assure the fundamental procedural guarantees and the protection of the rights of the defence or by a tribunal created for that person's particular case or if extradition is requested for the enforcement of a sentence or detention order imposed by such a tribunal.

Extradition may be refused if surrender is likely to have consequences of an exceptional gravity for the person sought, particularly by reason of his age or state of health.

Concerning persons prosecuted, extradition shall only be granted in respect of offences which, under French law and under the law of the requesting State, are punishable by deprivation of liberty or by a detention order for a maximum period of at least two years.

With regard to punishments which are more severe than deprivation of liberty or detention orders, extradition may be refused if these punishments or detention orders are not provided for in the scale of punishments applicable in France.

France reserves the right, in the light of the individual circumstances of each case, to appreciate if the taking or attempted taking of the life of a

Head of State or a member of his family is to be deemed or not a political offence.

France declares that for offences in connection with taxes, duties, customs and exchange, extradition shall be granted to the requesting State if it has been so decided by a simple exchange of letters in each category of case.

Extradition shall be refused when the person sought had French nationality at the time of the alleged offence.

France will require that any new description of an offence relates to the same facts as those for which extradition was granted and that this new description does not imply the application of a penalty for which extradition could be refused.

In the case of a request for provisional arrest, France shall require a short memorandum of the facts alleged against the person sought.

France reserves the right not to grant transit except on the same conditions as those on which it grants extradition.

France declares that it will request a translation of the requests for extradition and documents annexed thereto into one of the official languages of the Council of Europe and that it chooses French.

The Government of the French Republic declares that, with respect to France, the Convention applies to the European and overseas departments of the Republic.

Frankrijk, 18 oktober 2004

The Government of the French Republic declares, in accordance with the provisions of Article 28, paragraph 3, of the Convention, that since the 12th of March 2004 regarding Paris and since the 13rd of March 2004 regarding the rest of France, the provisions relating to the European arrest warrant, when implementable, replace the corresponding dispositions of the European Convention on Extradition of 13 December 1957 in the surrender procedures between Member States of the European Union.

Georgië, 15 juni 2001

Extradition shall be granted only under the condition that any person, national, stateless person or alien suspected of having committed a crime will not be tried in a special court of the requesting Party or that his or her extradition is not requested to carry out a sentence or detention order issued by such court.

Georgia reserves the right to refuse the extradition of any person on humanitarian grounds, if the extradition would adversely affect the state of this person.

Georgia declares that it will not grant the extradition of any person in respect of offences punishable by death under the law of the requesting Party.

For the purposes of this Convention, the Government of Georgia reserves the right to decide on the extradition of its nationals on the basis

of reciprocity and to refuse their extradition on the grounds of public morality, public policy and State security

In respect of Article 6, paragraph 1 b, the term “national” within the meaning of the Convention will be applied as it is determined by the legislation of Georgia.

In a case of transit under Article 21 of the Convention, Article 11 of the Convention will be applied *mutatis mutandis*.

In respect of Article 21 of the Convention, Georgia reserves the right not to grant transit under the same conditions on which it grants extradition.

In respect of Article 23 of the Convention, where the request for extradition and the documents to be produced are not in Georgian language, they must be accompanied by a translation of the request and the documents into English or Russian languages.

Georgia will not be responsible for the application of the provisions of the Convention on the territories of Abkhazia and Tskhinvali region until the full jurisdiction of Georgia is restored over these territories.

Griekenland, 29 mei 1961

The provisions of Article 6 will be applied subject to the application of Article 438 (a) of the Greek Code of Criminal Procedure, which prohibits extradition of nationals of the requested Party.

Article 438 of the Greek Code of Criminal Procedure will also be applied in relation to paragraph 1 (c). Under that Article, the date of commission of the offence will on no account be taken into consideration in establishing the nationality of the wanted person.

Paragraph 1 of Article 7 will be applied subject to the provisions of Article 438 (b) of the Greek Code of Criminal Procedure.

Article 437 (1) of the Greek Code of Criminal Procedure will continue to be applied in place of Article 11 of the Convention. Under that clause, extradition of a foreign national for an offence punishable by death under the law of the requesting Party is authorised only if Greek criminal law prescribes the same penalty for the offence in question.

The last sentence of Article 18 (4) of the Convention is accepted, with the addition of the following clause from Article 454 of the Greek Code of Criminal Procedure: “provided that the new request is based on the same facts”.

This Article is accepted subject to the provisions of Article 441 of the Greek Code of Criminal Procedure.

Griekenland, 17 oktober 2006

In accordance with Article 28, paragraph 3, of the European Convention on Extradition, the Hellenic Republic notifies that on 9 July 2004 the law nr. 3251/2004 has entered into force, implementing the Framework Decision of the Council of the European Union of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States (2002/584/JHA). The Hellenic Republic shall apply this law in relations to Contracting Parties which are Member States of the Euro-

pean Union and have also implemented the Framework Decision on the European arrest warrant.

Hongarije, 13 juli 1993

Hungary will not grant extradition if the person sought is to be brought before a special court or if the extradition should lead to the enforcement of a sentence or detention order inflicted by such a court.

Hungary reserves the right to refuse extradition on humanitarian grounds if it would cause particular hardship to the person claimed, for example, because of his youth, advanced age or state of health, or any other condition affecting the individual in question, having regard also to the nature of the offence and the interests of the requesting State.

Hungary will refuse extradition if it is requested to carry out death penalty or to prosecute a person charged with an offence punishable by death penalty. However, extradition may be granted in respect of an offence punishable by death penalty under the law of the requesting State, if that State accepts, that death penalty, if pronounced, will not be executed.

In case of request for provisional arrest Hungary also requires a short statement of the facts the person claimed is charged with.

Hungary will refuse transit of its own nationals and of persons settled definitively in Hungary.

Hungary declares that it will require a translation of the request for extradition and documents annexed thereto into either Hungarian, or any of the official languages of the Council of Europe, if they are not drawn up in these languages.

Hungary reserves the right to refuse extradition of persons settled definitively in Hungary.

Hongarije, 25 februari 1999

Notwithstanding the provisions of Article 6, paragraph 1.a, of the Peace Treaty concluded in Paris on 10 February 1947, Hungary will not grant extradition of its own nationals, except in the case where the person sought for extradition is also a citizen of an other State and has his permanent residence in a foreign State. Irrespective of his permanent residence and his incidental other citizenship, a Hungarian citizen may be transferred to another State, if the extradition of such a person to Hungary was granted under the condition that, following completion of the criminal proceedings or the execution of the sentence against him, he would be transferred back to that State for the purposes of fulfilling the request for extradition.

Hongarije, 27 mei 2004

In accordance with Article 28, paragraph 3, of the European Convention on Extradition, the Republic of Hungary hereby notifies the Council of Europe of the implementation of the Council Framework Decision of 13

June 2002 on the European arrest warrant and the surrender procedures between Member States of the European Union (2002/584/JHA).

The Framework Decision was implemented in Hungarian Law by Act No. CXXX of 2003. The Act entered into force on 1st May 2004 and is applicable to requests for surrender made by Member States of the European Union as from that date. The provisions of the European arrest warrant thereby replace the corresponding provisions of the European Convention on Extradition, signed in Paris, on 13 December 1957 and its two Protocols of 15 October 1975 and 17 March 1978 in the relation to Member States of the European Union, insofar as the Framework Decision is applicable in relations between the Republic of Hungary and the other Member State.

Ierland, 2 mei 1966

I have the honour to declare, in accordance with Article 6 of the Convention, that the term “national” in the Convention is hereby defined as meaning “citizens of Ireland” as far as my Government is concerned.

The Irish authorities will not grant extradition if final judgment in respect of the offence for which extradition is requested has been passed in a third State on the person claimed.

Ierland, 12 juli 1988

A decision of the Irish Supreme Court has made it impossible for Ireland to comply with its international obligations under the European Convention on Extradition.

The Court ruled that Ireland was not bound by its ratification of a similar extradition Treaty as the approval of Dail Eireann of the terms of that Treaty had not been obtained prior to ratification as is required by the Constitution of Ireland. The said Supreme Court Decision serves as a binding precedent in all future extradition cases.

The same circumstance applies in the case of the European Convention on Extradition. Dail approval of the terms thereof was not obtained prior to ratification of the said Convention on behalf of the Government of Ireland in 1966. Consequently, in the event of a court challenge, Ireland’s ratification in 1966 is likely to be declared invalid under domestic law.

In order to rectify this position, Dail Eireann approved the terms of the European Convention on Extradition on 29 June 1988. It is now necessary, for the purposes of domestic requirements, for the Government of Ireland to confirm the earlier ratification by way of deposit of a new instrument of ratification.

Ierland, 15 oktober 2004

The Government of Ireland, in accordance with Article 28, paragraph 3, of the European Convention on Extradition, 1957, hereby notifies the Secretary General of the Council of Europe that Ireland shall apply the Framework Decision of the Council of the European Union (2002/584/

JHA) of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States in relation to Member States of the European Union, insofar as the Framework Decision is applicable in relations between Ireland and the other Member State.

The Government of Ireland hereby notifies the Secretary General of the Council of Europe that Ireland shall apply the European Convention on Extradition, 1957, to the United Kingdom territories of the Channel Islands and the Isle of Man.

Iceland, 20 juni 1984

When granting extradition, Iceland reserves the right to stipulate that the extradited person may not be summoned to appear before a provisional court or a court empowered under exceptional circumstances to deal with such offences, as well as the right to refuse extradition for the execution of a sentence rendered by such special court.

Extradition may be refused if it is liable to have particularly serious consequences for the person claimed on account of his age, state of health or other personal circumstances.

Iceland can grant extradition in respect of an offence, or corresponding offence, which under Icelandic law is punishable, or would have been punishable, with imprisonment for more than one year.

Iceland reserves the right, in light of individual circumstances, to consider the offence described in paragraph 3 of Article 3 as a political offence.

Extradition for a military offence which is also an offence under ordinary criminal law may only be granted provided the extradited person is not convicted under military law.

Iceland reserves the right to require the requesting Party to produce evidence establishing that the person claimed has committed the offence for which extradition is requested. Extradition may be refused if the evidence is found to be insufficient.

Within the meaning of the Convention the term “nationals” means a national of Iceland and a national of Denmark, Finland, Norway or Sweden or a person domiciled in Iceland or other aforementioned countries. The Convention shall not apply to extradition to Denmark, Finland, Norway or Sweden as extradition between the Nordic countries is governed by a uniform law.

Israël, 27 september 1967

Israel will only grant transit of a person if, were the receiving State requesting the extradition of the wanted person from Israel, there would be no legal bar to declaring him subject to extradition and extraditing him.

The evidence in writing, or the declarations given on oath or not, or certified copies of such evidence or declarations, and the warrant of arrest and the other legal documents establishing the fact of the conviction, shall be admitted as valid evidence in examining the request for extra-

dition, if they have been signed by a judge or official of the requesting State or if they are accompanied by a certificate issued by such a judge or official or if they have been authenticated by the seal of the Ministry of Justice.

Israel will not grant extradition of a person charged with an offence unless it is proved in a court in Israel that there is evidence which would be sufficient for committing him to trial for such an offence in Israel.

Israel will not accede to a request for extradition if the wanted person has been pardoned, or has had his punishment remitted, in the requesting State in respect of the criminal act in question.

Israel will not grant extradition in departure from the rule of speciality except:

a. if the wanted person has in his absence been declared subject to extradition also in respect of the other offence after he was given an opportunity to be represented in the proceedings aimed at such declaration;

b. upon condition that the wanted person will not be proceeded against, sentenced or detained with a view to carrying out sentence unless, having left the requesting State after his extradition, he voluntarily returned to it, or unless he failed to leave the requesting State within 60 days after being given an opportunity to do so.

Article 15 shall be read as if the words “60 days” replaced the words “45 days” in Article 14, paragraph 1 b.

Israël, 5 december 1997

In regard to Article 23 of the Convention, the Government of the State of Israel requests that the documents to be produced by the requesting Party be translated into English or Hebrew.

Italië, 6 augustus 1963

Italy makes the express reservation that it will not grant the extradition of persons wanted for the carrying out of a detention order unless:

a. all the criteria laid down in Article 25 are fulfilled in each case;

b. the said detention order is expressly provided for under the criminal law of the requesting Party as being a necessary consequence of an offence.

Italy declares that it will not, under any circumstances, grant extradition in respect of offences punishable by death under the law of the requesting Party.

Italië, 25 april 2006

In accordance with Article 28, paragraph 3, of the European Convention on Extradition, the Republic of Italy notifies the applicability of the European Union Council Framework Decision 2002/584/JHA of 13 June 2002, on the European arrest warrant and the surrender procedures between Member States of the European Union.

The Framework Decision has been implemented in Italy by the Law of 22 April 2005 No. 69 (“Provisions for the implementation of the Council Framework Decision 2002/584/JHA of 13 June 2002, on the European arrest warrant and the surrender procedures between Member States”, G.U. 29 April 2005 No. 98), which entered into force on 14 May 2005.

Kroatië, 25 januari 1995

Article 9 of the Constitution of the Republic of Croatia prohibits the extradition of Croatian citizens.

Consequently, the Republic of Croatia will not allow any extradition of its own citizens.

Article 9 of the Constitution of the Republic of Croatia prohibits the extradition of Croatian citizens.

Consequently, the Republic of Croatia will not allow any transit (Article 21, paragraph 2, of the Convention) of its own citizens.

The “nationality” of a person being requested for extradition will be considered in terms of the time when the criminal act was committed and in compliance with the regulations of the Republic of Croatia regarding citizenship (Article 6, paragraph 1 (b), of the Convention).

The Republic of Croatia will approve the transit of a person only under the conditions applying to extradition (Article 21, paragraph 5, of the Convention).

Letland, 2 mei 1997

In pursuance of paragraph 1 of Article 6 of the Convention on Extradition of 1957, the Republic of Latvia defines that within the meaning of this Convention, the term “nationals” relates to the citizens of the Republic of Latvia and non-citizens who are subjects of the Law on the Status of Former USSR Citizens who are not Citizens of Latvia or any other State.

Letland, 3 januari 2006

In accordance with Article 28, paragraph 3, of the European Convention on Extradition, the Republic of Latvia declares that, since 30 juni 2004, the Republic of Latvia does not apply the Convention and its Protocols in its relations with the Member States of the European Union, but applies the national legislation which implements Council Framework Decision of 13 juni 2002 on the European arrest warrant and the surrender procedures between Member States (2002/584/JHA).

Liechtenstein, 28 oktober 1969

Extradition is on principle granted by the Principality of Liechtenstein only on the condition that the person against whom proceedings are being taken for an offence be tried by the ordinary courts of the requesting State. It therefore reserves the right to grant extradition only on condition that the requesting State gives adequate assurances in that respect.

The Government of the Principality of Liechtenstein declares that Liechtenstein law does not permit extradition of Liechtenstein nationals. Once they have entered the territory of the Principality, they will be tried by the Liechtenstein authorities under Liechtenstein criminal law (paragraph 36 of the Penal Code) for offences committed abroad, whatever the laws of the country where the offence was committed. 'Nationals' within the meaning of the Convention are persons possessing Liechtenstein nationality.

The Principality of Liechtenstein reserves the right to apply Article 11 by analogy where the requesting State does not give the Liechtenstein authorities adequate assurances that it will not impose any penalty or measure contrary to Liechtenstein law or which offends against the principle of inviolability of the person in a way which is incompatible with Liechtenstein law.

The principality of Liechtenstein reserves the right to refuse transit through its territory even where the offence with which the accused party is charged is covered by Article 5 of the Convention.

The Principality of Liechtenstein requires that requests and the documents to be produced which are written in a language other than German must be accompanied by a translation into that language.

Litouwen, 20 juni 1995

Extradition shall be granted only under the condition that any person suspected of having committed a crime will be not tried in a special court of the requesting Party.

The Republic of Lithuania reserves the right not to grant extradition if the said person, on the grounds of his/her health, age or personal motivation, would be adversely affected by this extradition.

The Republic of Lithuania reserves its right referred to in Article 3 of the Convention to decide in each particular case whether acts referred to in Article 3, paragraph 3, of the Convention are regarded as being a political offence.

The term "nationals" means persons having Lithuanian nationality under the Law of the Lithuanian nationality (Citizenship Law). According to Article 6 of the Law on Lithuanian nationality (Citizenship Law), the Republic of Lithuania does not extradite its nationals to foreign countries. All requests for extradition of Lithuanian nationals shall be refused. Written requests for extradition can be exchanged between the Ministry of Justice or the Prosecutor General's Office of the requesting Party and the Lithuanian Ministry of Justice or Prosecutor General's Office. The use of diplomatic channels is not excluded.

In no case shall the Republic of Lithuania grant transit in respect of Lithuanian nationals.

Requests for extradition (including documents in support of the request) have to be accompanied by proper translations in Lithuanian, English, French, Russian or German if these documents are not produced in one of these languages.

Litouwen, 28 juli 2004

In accordance with Article 28, paragraph 3, of the European Convention on Extradition, the Republic of Lithuania declares that in relations between the Republic of Lithuania and other Member States of the European Union, the procedure of surrender of a person under the European arrest warrant shall be applied, except in cases indicated in the statements of the Member States of the European Union made in respect of Article 32 of the Council Framework Decision 2002/584/JHA of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States.

Luxemburg, 18 november 1976

The Government of the Grand Duchy of Luxembourg reserves the right not to grant extradition requested for the purpose of executing a judgment pronounced by default against which no remedy remains open, if such extradition might have the effect of subjecting the person claimed to a penalty without his having been enabled to exercise the rights of defence prescribed in Article 6.3.c. of the Convention for the Protection of Human Rights and Fundamental Freedoms.

The Government of the Grand Duchy of Luxembourg reserves the right to refuse extradition on humanitarian grounds if it would cause particular hardship to the person claimed, for example, because of his youth, advanced age or state of health.

The Government of the Grand Duchy of Luxembourg will not grant extradition of its own nationals.

The Government of the Grand Duchy of Luxembourg will not grant transit of its own nationals.

The Government of the Grand Duchy of Luxembourg reserves the right not to grant extradition when, in accordance with Article 7(2), the requesting State would be authorised to refuse extradition in like cases. The Government of the Grand Duchy of Luxembourg will not grant extradition if it is satisfied that final judgment for the offence for which extradition is requested has been passed on the person claimed by the competent authorities of a third State and, in the event of conviction for that offence, the convicted person is serving his sentence, has already served it or has been dispensed from serving it.

By reason of the special arrangements between the Benelux countries, the Government of the Grand Duchy of Luxembourg does not accept Article 28.1 and 2 in respect of its relations with the Netherlands and Belgium.

The Government of the Grand Duchy of Luxembourg reserves the right to derogate from these provisions in respect of its relations with the other member States of the European European Community.

The Government of the Grand Duchy of Luxembourg declares that so far as the Grand Duchy of Luxembourg is concerned, "nationals" for the purposes of the Convention are to be understood as meaning persons of Luxembourg nationality as well as foreigners integrated into the Luxem-

bourg community in so far as they can be prosecuted within Luxembourg for the act in respect of which extradition is requested.

The Government of the Grand Duchy of Luxembourg will not grant temporary extradition under Article 19.2 save of a person who is serving a sentence in its territory and if necessitated by special circumstances.

The Government of the Grand Duchy of Luxembourg reserves the right not to grant transit except on the same conditions on which it grants extradition.

Luxembourg, 2 november 2004

In accordance with Article 28, paragraph 3, of the Convention, the Grand-Duchy of Luxembourg applies the Law of 17 March 2004 relating to the European arrest warrant and the surrender procedures between Member States of the European Union with respect to offences committed after 7 August 2002 in its relations with a State Member of the European Union that has implemented the EU Council Framework Decision of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States.

The European Convention on Extradition of 13 December 1957 and the Additional Protocol of 15 October 1975 remain applicable to offences committed prior to 7 August 2002.

Luxembourg, 15 februari 2012

Following the amendments made by the Law of 3 August 2011 to the Law of 17 March 2004 on the European arrest warrant and surrender procedures between Member States of the European Union, the Grand Duchy of Luxembourg declares that it withdraws its Declaration of 25 October 2004 on Article 28, paragraph 3, of the European Convention on Extradition with immediate effect.

Macedonië, de voormalige Joegoslavische Republiek, 28 juli 1999

Taking into account Article 4 of the Constitution of the Republic of Macedonia, which does not allow the extradition of the citizens of the Republic of Macedonia, the provisions of this Convention shall only apply to the persons which are not citizens of the Republic of Macedonia. The Republic of Macedonia shall not agree to surrender the person claimed, if this person is charged by an extraordinary court, or in cases where the surrender is requested for the purposes of executing a sentence, safety measure or correctional measure that was passed by such a court.

Even in the cases where the final sentence or the arrest warrant are passed by the competent authorities in a country which is Party to this Convention, the Republic of Macedonia reserves the right to refuse the requested surrender, if an examination of the case in question shows that the said sentence or arrest warrant are manifestly ill-founded.

In the event that the person claimed has not been taken over by the requesting Party, on the appointed date, the Republic of Macedonia

reserves the right to annul the measure of restraint imposed on that person.

Malta, 19 maart 1996

Malta reserves the right to grant a request for the extradition of a person accused of an offence only where the court of committal is satisfied, after hearing any evidence tendered in support of the request for the return of that person or on behalf of that person, that the evidence would be sufficient to warrant his trial for that offence if it had been committed within the jurisdiction of the Courts of Criminal Justice of Malta. A person convicted of an offence in his absence shall be treated as a person accused of that offence.

Malta reserves the right, when granting extradition, to stipulate that the extradited person shall not be prosecuted for the offence in question in a court which is only provisionally, or under exceptional circumstances, empowered to deal with such offences. Extradition requested for the execution of a sentence rendered by such special court may be refused. Malta reserves the right to apply the Convention in accordance with Section 20 of Chapter 276 of the laws of Malta (The Extradition Act, 1978) which section reads as follows:

“On an appeal made to the Court of Criminal Appeal or an application for redress to the Constitutional Court under Section 46 of the Constitution of Malta, either of the said Courts may, without prejudice to any other jurisdiction, order the person committed to be discharged from custody if it appears to such Court that,

- a) by reason of the trivial nature of the offence of which he is accused or was convicted; or
- b) by reason of the passage of time since he is alleged to have committed it or to have become unlawfully at large, as the case may be; or
- c) because the accusation against him is not made in good faith in the interests of justice, it would, having regard to all circumstances, be unjust or oppressive to return him.”

Malta reserves the right to apply paragraph 3 of this Article in accordance with Section 10 (5) of the Extradition Act which reads as follows: “For the purposes of this section, an offence against the life or person of a Head of State, or any related offence described in subsection (3) of Section 5 of this Act, shall not necessarily be deemed to be an offence of a political character.”

Malta reserves the right to apply this Article in accordance with the rule of “Non bis in idem” as laid down in Section 527 of the Criminal Code (Chapter 9 of the Laws of Malta) which reads as follows:

“Where in a trial, judgement is given acquitting the person charged or accused, it shall not be lawful to subject such person to another trial for the same fact.”

Malta reserves the right to apply the provisions set out in paragraphs 4 and 5 of this Article in accordance with Section 24 of the Extradition Act (Chapter 276 of the Laws of Malta) which reads as follows:

“(1) If any person committed to await his return is in custody in Malta under this Act after the expiration of the following period that is to say –

(a) in any case, the period of two months beginning with the first day on which, having regard to subsection (2) of Section 21 of this Act, he could have been returned;

(b) where a warrant for his return has been issued under Section 21 of this Act, the period of one month beginning with the day on which that warrant was issued –

he may apply to the Court of Criminal appeal, sitting as a court of appeal from judgements of the Court of Judicial Police, for his discharge.

(2) If upon any such application the court is satisfied that reasonable notice of the proposed application has been given to the Minister, the court may, unless sufficient cause is shown to the contrary, by order direct the applicant to be discharged from custody, and if a warrant for his return has been issued under the said section squash that warrant.”

Malta reserves the right to grant such transit under this Article only in so far as transit is permissible under its own laws.

Malta, 9 november 2005

In accordance with Article 28, paragraph 3, of the 1957 European Convention on Extradition, the Government of Malta notifies the Secretary General of the Council of Europe that Malta shall apply the Framework Decision of the Council of the European Union (No. 2002/584/JHA) of 13 June 2002, on the European arrest warrant and the surrender procedures between Member States in relations between the Member States of the European Union, insofar as the Framework Decision is applicable in relations between Malta and the other Member States. This is effective as from 7th June 2004.

Moldavië, 2 oktober 1997

The Republic of Moldova will refuse to grant extradition in cases where the person claimed is to be tried on the territory of the requesting Party by a special court (set up for a specific case) or where extradition is requested in order to carry out a sentence or detention order handed down by such a court.

The Republic of Moldova reserves the right, where circumstances so dictate, to determine whether the taking or attempted taking of the life of a Head of State or a member of his or her family shall or shall not constitute a political offence.

By virtue of Article 17, paragraph 3 of the Constitution of the Republic of Moldova, the citizens of the Republic of Moldova may not be extradited or expelled from the country.

The term “nationals” within the meaning of Article 6, paragraph 1 (b) covers all individuals having the nationality of the Republic of Moldova in conformity with its legislation.

The Republic of Moldova reserves the right not to grant extradition when, in accordance with Article 7, paragraph 2, the requesting Party would refuse extradition in similar cases.

The Republic of Moldova will not grant extradition if a final judgment has been passed by a third State upon the person claimed in respect of the offence or offences for which extradition is requested.

In derogation of Article 9 (first sentence), the Republic of Moldova may grant extradition if the requesting State can show that new facts or evidence justify a reopening of the case.

The Republic of Moldova asks that any request addressed to it in pursuance of Article 16, paragraph 2, contain a brief description of the offence alleged against the person claimed, including the essential particulars by which the nature of the offence can be appraised in accordance with the present Convention.

The Republic of Moldova reserves the right to authorise transit only under the conditions provided for in respect of extradition.

The Republic of Moldova declares that requests for extradition and documents appended thereto must be in Moldovan or in one of the official languages of the Council of Europe, or translated into one of these languages.

Monaco, 30 januari 2009

The Principality of Monaco declares that the term “national” in the context of Article 6, paragraph 1, of the European Convention on Extradition means any person who is a “Monégasque” under the legislation of Monaco.

The Principality of Monaco requests of the requesting party a certified translation into French of the request for extradition and of the documents accompanying the application.

Montenegro, 14 juni 2006

The Federal Republic of Yugoslavia shall refuse extradition, in accordance with Article 6, paragraph 1(a), of the Convention, and transit of its nationals in accordance with Article 21, paragraph 2, of the Convention. In accordance with Article 21, paragraph 5, of the Convention, the Federal Republic of Yugoslavia shall grant the transit of a person exclusively under the same conditions applicable in case of extradition.

Nederlanden, het Koninkrijk der, 14 februari 1969

Article 1

The Netherlands Government reserves the right not to grant extradition requested for the purpose of executing a judgment pronounced by default against which no remedy remains open, if such extradition might have the effect of subjecting the person claimed to a penalty without his

having been enabled to exercise the rights of defence prescribed in Article 6(3)c. of the Convention for the Protection of Human Rights and Fundamental Freedoms signed at Rome on 4 November 1950.

The Netherlands Government reserves the right to refuse extradition on humanitarian grounds if it would cause particular hardship to the person claimed, for example, because of his youth, advanced age or state of health.

Article 7

The Netherlands Government reserves the right not to grant extradition when, in accordance with Article 7(2), the requesting State would be authorised to refuse extradition in like cases.

Article 9

The Netherlands Government will not grant extradition if it is satisfied that final judgment for the offence for which extradition is requested has been passed on the person claimed by the competent authorities of a third State and, in the event of conviction for that offence, the convicted person is serving his sentence, has already served it or has been dispensed from serving it.

Article 28

By reason of the special arrangements between the Benelux countries, the Netherlands Government does not accept Article 28(1) and (2) in respect of its relations with the Kingdom of Belgium and the Grand Duchy of Luxembourg.

The Netherlands Government reserves the right to derogate from these provisions in respect of its relations with the other member States of the European Community.

Nederlanden, het Koninkrijk der, 15 oktober 1987

The Government of the Kingdom of the Netherlands will not permit the transit of Netherlands nationals nor their extradition for the purposes of the enforcement of penalties or other measures.

However, Netherlands nationals may be extradited for purposes of prosecution if the requesting State provides a guarantee that the person claimed may be returned to the Netherlands to serve his sentence there if, following his extradition, a custodial sentence other than a suspended sentence or a measure depriving him of his liberty is imposed upon him. As regards the Kingdom of the Netherlands, "nationals" for the purpose of the Convention are to be understood as meaning persons of Netherlands nationality as well as foreigners integrated into the Netherlands community insofar as they can be prosecuted within the Kingdom of the Netherlands for the act in respect of which extradition is requested and insofar as such foreigners are not expected to lose their right of residence in the Kingdom as a result of the imposition of a penalty or measure subsequent to their extradition.

The present declaration will enter into force on 1 January 1988.

Nederlanden, het Koninkrijk der, 8 oktober 1993

Article 27

On 8 and 29 July 1993 the Governments of the Kingdom of the Netherlands and the Kingdom of Sweden exchanged Notes constituting an arrangement as provided for in article 27, paragraph 4, of the European Convention on Extradition of 13 December 1957 concerning the extension of the Convention to the Netherlands Antilles and Aruba. The arrangement entered into force on 1 October 1993.

Nederlanden, het Koninkrijk der, 10 november 1993

Article 27

On 30 June and 29 September 1993 the Governments of the Kingdom of the Netherlands and the Principality of Liechtenstein exchanged Notes constituting an arrangement as provided for in article 27, paragraph 4, of the European Convention on Extradition of 13 December 1957 concerning the extension of the Convention to the Netherlands Antilles and Aruba. The arrangements will enter into force on 1 December 1993.

Nederlanden, het Koninkrijk der, 14 december 1993

Article 27

On 20 and 28 October 1993 the Governments of the Kingdom of the Netherlands and Switzerland exchanged Notes constituting an arrangement as provided for in article 27, paragraph 4, of the European Convention on Extradition of 13 December 1957 concerning the extension of the Convention to the Netherlands Antilles and Aruba. The arrangement will enter into force on 1 January 1994.

On 20 September and 22 November 1993 the Governments of the Kingdom of the Netherlands and the Grand-Duchy of Luxembourg exchanged Notes constituting an arrangement as provided for in article 27, paragraph 4, of the European Convention on Extradition of 13 December 1957 concerning the extension of the Convention to the Netherlands Antilles and Aruba. The arrangement will enter into force on 1 February 1994.

Nederlanden, het Koninkrijk der, 4 januari 1994

Article 27

On 30 July and 2 December 1993 the Governments of the Kingdom of the Netherlands and France exchanged Notes constituting an arrangement as provided for in article 27, paragraph 4, of the European Convention on Extradition of 13 December 1957 concerning the extension of the Convention to the Netherlands Antilles and Aruba. The arrangement will enter into force on 1 March 1994.

Nederlanden, het Koninkrijk der, 2 februari 1994

Article 27

On 8 June and 21 December 1993 the Governments of the Kingdom of the Netherlands and Italy exchanged Notes constituting an arrangement as provided for in article 27, paragraph 4, of the European Convention on Extradition of 13 December 1957 concerning the extension of the Convention to the Netherlands Antilles and Aruba. The arrangement entered into force on 30 December 1993.

Nederlanden, het Koninkrijk der, 11 maart 1994

Article 27

On 19 January and 3 February 1994 the Governments of the Kingdom of the Netherlands and of Turkey exchanged Notes constituting an arrangement as provided for in article 27, paragraph 4, of the European Convention on Extradition of 13 December 1957 concerning the extension of the Convention to the Netherlands Antilles and Aruba. The arrangement will enter into force on 1 May 1994.

On 20 January and 4 February 1994 the Government of the Kingdom of the Netherlands and the Government of Denmark exchanged Notes constituting an arrangement as provided for in article 27, paragraph 4, of the European Convention on Extradition of 13 December 1957 concerning the extension of the Convention to the Netherlands Antilles and Aruba. The arrangement will enter into force on 1 May 1994.

Nederlanden, het Koninkrijk der, 20 mei 1994

Article 27

On 26 January and 18 February 1994 the Governments of the Kingdom of the Netherlands and of Norway exchanged Notes constituting an arrangement as provided for in Article 27, paragraph 4, of the European Convention on Extradition of 13 December 1957 concerning the extension of the Convention to the Netherlands Antilles and Aruba. The arrangement entered into force on 1 May 1994.

On 3 August 1993 and 3 March 1994 the Governements of the Kingdom of the Netherlands and of Cyprus exchanged Notes constituting an arrangement as provided for in Article 27, paragraph 4, of the European Convention on Extradition of 13 December 1957 concerning the extension of the Convention to the Netherlands Antilles and Aruba. The arrangement entered into force on 1 May 1994.

This arrangement will enter into force on 1 June 1994.

Nederlanden, het Koninkrijk der, 8 november 1996

Article 27

On 20 July 1993 and 21 February 1994, the Governments of the Kingdom of the Netherlands and of the Czech Republic exchanged Notes constituting an arrangement as provided for in Article 27, paragraph 4, of the European Convention on Extradition of 13 December 1957,

concerning the extension of the Convention to the Netherlands Antilles and Aruba. The arrangement entered into force on 1 June 1994.

Article 27

The Government of the Kingdom of the Netherlands exchanged Notes constituting an arrangement as provided for in Article 27, paragraph 4, of the European Convention on Extradition of 13 December 1957, concerning the extension of the Convention to the Netherlands Antilles and Aruba, with the Government of:

– Greece, on 21 September 1993 and 16 June 1994. The arrangement entered into force on 1 September 1994;

– Slovakia, on 20 July 1993 and 30 June 1994. The arrangement entered into force on 1 September 1994.

The Government of the Kingdom of the Netherlands exchanged Notes constituting an arrangement as provided for in Article 27, paragraph 4, of the European Convention on Extradition of 13 December 1957, concerning the extension of the Convention to the Netherlands Antilles and Aruba, with the Government of Iceland, on 26 January 1994 and 22 July 1994. The arrangement entered into force on 1 October 1994.

The Government of the Kingdom of the Netherlands exchanged Notes constituting an arrangement as provided for in Article 27, paragraph 4, of the European Convention on Extradition of 13 December 1957, concerning the extension of the Convention to the Netherlands Antilles and Aruba, with the Government of Austria, on 22 July 1994 and 28 July 1994. The arrangement entered into force on 1 January 1996.

The Government of the Kingdom of the Netherlands exchanged Notes constituting an arrangement as provided for in Article 27, paragraph 4, of the European Convention on Extradition of 13 December 1957, concerning the extension of the Convention to the Netherlands Antilles and Aruba, with the Government of Spain, on 11 November 1993 and 24 November 1994. The arrangement entered into force on 1 February 1995.

The Government of the Kingdom of the Netherlands exchanged Notes constituting an arrangement as provided for in Article 27, paragraph 4, of the European Convention on Extradition of 13 December 1957, concerning the extension of the Convention to the Netherlands Antilles and Aruba, with the Government of the United Kingdom of Great Britain and Northern Ireland, on 8 November 1994 and 24 November 1994. The arrangement entered into force on 4 March 1996.

The Government of the Kingdom of the Netherlands exchanged Notes constituting an arrangement as provided for in Article 27, paragraph 4, of the European Convention on Extradition of 13 December 1957, concerning the extension of the Convention to the Netherlands Antilles and Aruba, with the Government of Israel, on 28 February 1994 and 31 July 1995. The arrangement entered into force on 1 November 1995.

The Government of the Kingdom of the Netherlands exchanged Notes constituting an arrangement as provided for in Article 27, paragraph 4, of the European Convention on Extradition of 13 December 1957,

concerning the extension of the Convention to the Netherlands Antilles and Aruba, with the Government of Portugal, on 6 July 1995 and 29 August 1995. The arrangement entered into force on 1 December 1995. The Government of the Kingdom of the Netherlands exchanged Notes constituting an arrangement as provided for in Article 27, paragraph 4, of the European Convention on Extradition of 13 December 1957, concerning the extension of the Convention to the Netherlands Antilles and Aruba, with the Government of Croatia, on 16 October 1995 and 12 February 1996. The arrangement entered into force on 1 May 1996.

The Government of the Kingdom of the Netherlands exchanged Notes constituting an arrangement as provided for in Article 27, paragraph 4, of the European Convention on Extradition of 13 December 1957, concerning the extension of the Convention to the Netherlands Antilles and Aruba, with the Government of Hungary, on 28 March 1996 and 2 April 1996. The arrangement entered into force on 1 July 1996.

The Government of the Kingdom of the Netherlands exchanged Notes constituting an arrangement as provided for in Article 27, paragraph 4, of the European Convention on Extradition of 13 December 1957, concerning the extension of the Convention to the Netherlands Antilles and Aruba, with the Government of:

- Finland, on 5 February 1996 and 4 July 1996. The arrangement entered into force on 1 October 1996.
- Bulgaria, on 29 March 1996 and 17 July 1996. The arrangement entered into force on 1 October 1996.

Nederlanden, het Koninkrijk der, 5 september 2005

On 13 June 2002, the Council of the European Union adopted a framework decision on the European arrest warrant and surrender procedures between Member States (no. 2002/584/JHA) (“the Framework Decision”). Article 31 of the Framework Decision provides that from 1 January 2004 the Framework Decision will replace the corresponding provisions of the relevant extradition conventions applicable in the field of extradition in relations between the Member States.

The Permanent Representation of the Kingdom of the Netherlands therefore has the honour to inform the Secretary General of the Council of Europe that pursuant to Article 28, paragraph 3, of the Convention on Extradition, the Convention shall no longer be applied in relations between the European part of the Kingdom of the Netherlands and the Member States of the European Union that are a Party to the Convention. The Permanent Representation of the Kingdom of the Netherlands would emphasise that the above does not alter the application of the Convention in relations between:

- the Netherlands Antilles and Aruba and the Parties to the Convention, or
- the European part of the Kingdom and the Parties to the Convention that are not Member States of the European Union.

Nederlanden, het Koninkrijk der, 10 februari 2010 en 18 februari 2010

On 1 February 2010, a Convention between the Kingdom of the Netherlands and the Kingdom of Belgium came into effect under which the Netherlands made available to Belgium a prison located on Dutch territory (Tilburg) for the execution of criminal sentences imposed in Belgium under Belgian law(*). The Convention applies in principle until 31 December 2012, but the validity period may be reduced to 31 December 2011, or extended until 31 December 2013.

The Convention contains a specific provision for criminal co-operation with third States. Article 18 of the

Convention deals with criminal action at the request of third States concerning Belgian prisoners detained in the prison located on Dutch territory. According to the first paragraph of this provision, the Netherlands will not examine requests for extradition and/or mutual assistance from third States, but they will transmit them to Belgium. This agreement logically follows on from other provisions of the Convention, according to which the judicial and other authorities of the Netherlands do not normally deal with prisoners of the prison of Tilburg.

In this context, Belgium and the Netherlands communicate the following:

Requests for extradition and provisional arrest

We recommend that States Parties to the European Convention on Extradition send exclusively to the Belgian authorities requests for extradition and provisional arrest of persons detained in the prison of Tilburg under the Convention concluded on 31 October 2009 in Tilburg between the Kingdom of the Netherlands and the Kingdom of Belgium, on the provision of a prison in the Netherlands for the enforcement of prison sentences imposed under Belgian law. If the Dutch authorities still receive requests for extradition or for provisional arrest of these persons, they will not deal with them but will transmit them to the Belgian authorities for further action.

Alerts via Interpol for the surrender and the requests for provisional arrest of persons who are in the prison in Tilburg will not be carried out in the Netherlands.

Requests for mutual assistance

We recommend that central and judicial authorities of the States Parties to the Convention on Mutual Assistance in Criminal Matters send exclusively to the competent Belgian authorities requests for mutual assistance concerning persons detained in the prison of Tilburg under the Convention concluded on 31 October 2009 in Tilburg between the Kingdom of the Netherlands and the Kingdom of Belgium, on the provision of a prison in the Netherlands for the enforcement of prison sentences imposed under Belgian law. If, nevertheless, requests for mutual assistance concerning these persons are sent to the Netherlands, they will be forwarded to the competent authorities of the Kingdom of Belgium.

Nederlanden, het Koninkrijk der, 9 januari 2012

The reservations and declarations as made by the Kingdom of the Netherlands on 14 February 1969 and, as amended, on 15 October 1987 apply to Aruba and, as succeeding to the Netherlands Antilles, to Curaçao, Sint Maarten and the Caribbean part of the Netherlands (the islands of Bonaire, Sint Eustatius and Saba) in their relations with the States with which notes were exchanged on the extension of the Convention:

Sweden, on 8 July 1993 and 29 July 1993

Liechtenstein, on 30 June 1993 and 29 September 1993

Switzerland, on 20 October 1993 and 28 October 1993

Luxembourg, on 20 September 1993 and 22 November 1993

France, on 30 July 1993 and 22 November 1993

Italy, on 8 June 1993 and 21 December 1993

Turkey, on 19 January 1994 and 3 February 1994

Denmark, on 20 January 1994 and 4 February 1994

Norway, on 26 January 1994 and 18 February 1994

Cyprus, on 3 August 1993 and 3 March 1994

Czech Republic, on 20 July 1993 and 21 February 1994

Greece, on 21 September 1993 and 16 June 1994

Slovakia, on 20 July 1993 and 30 June 1994

Iceland, on 26 January 1994 and 22 July 1994

Austria, on 22 July 1994 and 28 July 1994

Spain, on 11 November 1993 and 24 November 1994

United Kingdom of Great Britain and Northern Ireland, on 8 November 1994 and 4 November 1994

Israel, on 28 February 1994 and 31 July 1995

Portugal, on 6 July 1995 and 29 August 1995

Croatia, on 16 October 1995 and 12 February 1996

Hungary, on 28 March 1996 and 2 April 1996

Finland, on 5 February 1996 and 4 July 1996

Bulgaria, on 29 March 1996 and 17 July 1996

Having regard to the relations existing in public law between the European part of the Netherlands, Aruba, Curaçao, Sint Maarten and the Caribbean part of the Netherlands (the islands of Bonaire, Sint Eustatius and Saba), the term “metropolitan territories”, used in paragraph 1 of Article 27 of the present Convention, no longer has its original sense in relation to the Kingdom of the Netherlands and consequently shall be deemed to signify, so far as it concerns the Kingdom, “European territory”.

Noorwegen, 13 december 1957

Extradition may be refused on humanitarian grounds if surrender is likely to have consequences of an exceptional gravity for the person claimed, particularly by reason of his age, state of health or other personal circumstances.

As far as Norway is concerned, the term “national” shall include both nationals and residents of Norway. The term shall also include nationals

and residents of Denmark, Finland, Iceland or Sweden, if extradition is requested by States other than those mentioned.

The Norwegian authorities reserve the right to require the requesting Party to produce prima facie evidence to the effect that the person claimed has committed the offence for which extradition is requested. The request may be refused if the evidence is found to be insufficient.

Noorwegen, 19 januari 1977

Under the terms of the Norwegian Act No. 39 of 13 June 1975, relating to the Extradition of Offenders etc., paragraph 3, Norway is in a position to grant extradition only in respect of an offence, or a corresponding offence, which under Norwegian law is punishable, or would have been punishable with imprisonment for more than one year.

Norway reserves the right, in the light of individual circumstances, to consider the offence described in paragraph 3 of Article 3 as a political offence.

When an offence under military law also comprises an offence in respect of which extradition otherwise is permissible, Norway reserves the right to stipulate that the extradited person shall not be punished under the military law of the requesting State.

This Convention shall not apply to extradition to Denmark, Finland or Sweden, as extradition between the said States is governed by a uniform legislation.

Oekraïne, 11 maart 1998

Ukraine reserves the right to refuse extradition if the person whose extradition is requested cannot, on account of his/her state of health, be extradited without damage to his/her health.

Ukraine shall grant extradition only for offences which are punishable by imprisonment for a maximum period of not less than one year or by a more severe penalty.

The extradition in respect of general criminal offences which are also military offences may only be granted provided that the person whose extradition is requested will not be subject to criminal prosecution in accordance with martial law.

Ukraine will not extradite citizens of Ukraine to another State. For the purposes of this Convention, any person is considered to be a citizen of Ukraine who, in accordance with the laws of Ukraine at the time when the decision to extradite is taken, is a citizen of Ukraine.

Ukraine shall allow transit through its territory of persons who are extradited on the same conditions as those on which extradition is granted. Requests for extradition and documents appended thereto shall be sent to Ukraine together with a translation into Ukrainian or into one of the official languages of the Council of Europe unless they are drawn up in those languages.

Oekraïne, 1 februari 2000

The Ministry of Justice of Ukraine (in case of requests by courts) and the Prosecutor-General's Office of Ukraine (in case of requests by bodies of pre-trial investigation) shall be the authorities to which reference is made in article 12, paragraph 1 of the Convention, as amended by the Second Additional Protocol.

Oostenrijk, 21 mei 1969

Austria will grant extradition also under the conditions mentioned in Article 2, paragraph 2.

Austria will regard the time of surrender of the person claimed as decisive for the determination of nationality.

Austria will only grant extradition of a person for an offence which, according to Austrian law, is under Austrian jurisdiction, in so far as that person will be extradited for another offence and as the condemnation of that person by the judicial authorities of the requesting State for all offences is in the interest of ascertaining the truth or useful by reason of fixing of the penalty and execution of the sentence.

Austria will grant extradition if the person claimed was acquitted only for lack of Austrian jurisdiction, or if, only for this reason, criminal proceedings against this person have not been instituted or if instituted criminal proceedings were terminated.

In case of a request for provisional arrest Austria also requires a short statement of the facts the person claimed is charged with.

In any case Austria will refuse transit of Austrian nationals.

Austria will not grant extradition if the person claimed is to be brought before a special court or if the extradition should lead to the execution of a sentence or a detention order inflicted by such a court.

Austria will further grant extradition for offences which are exclusively contraventions against regulations concerning monopolies or the export, import, transit and rationing of goods only under the conditions mentioned in Article 5.

Austria will refuse extradition requested in order to carry out death-penalty. Extradition for an offence punishable by the death under the law of the requesting Party will only be granted if the requesting State accepts the condition that a death-penalty will not be pronounced. Austria will apply the same principles in the case of sentences which are incompatible with the requirements of humanity and human dignity.

Oostenrijk, 17 april 1985

Transit for offences punishable, under the law of the requesting Party, by death or by a sentence incompatible with the requirements of humanity and human dignity, will be granted under the conditions governing the extradition for such offences.

Oostenrijk, 18 maart 2005

In accordance with Article 28, paragraph 3, of the Convention, Austria notifies that from 1 May 2004 it will apply the national legislation implementing the European Union Council Framework Decision of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States (2002/584/JHA) in relation to Contracting Parties which are Member States of the European Union and which already applied the EU Framework Decision on 1 May 2004, except requests relating to punishable acts committed partly or as a whole before 7 August 2002.

Polen, 15 juni 1993

The Republic of Poland declares, in accordance with paragraph 1 (a) of Article 6, that it will under no circumstances extradite its own nationals. The Republic of Poland declares that, for the purposes of this Convention, in accordance with paragraph 1 (b) of Article 6, persons granted asylum in Poland will be treated as Polish nationals.

Bezwaar door Duitsland, 13 oktober 1993

The Federal Republic of Germany considers the placing of persons granted asylum in Poland on an equal standing with Polish nationals in Poland's declaration with respect to Article 6, paragraph 1 (a) of the Convention to be compatible with the object and purpose of the Convention only with the provision that it does not exclude extradition of such persons to a state other than that in respect of which asylum has been granted.

Bezwaar door Oostenrijk, 11 januari 1994

Concerning the declarations and reservations formulated by Poland with regard to the European Convention on Extradition, the Austrian Government shares the interpretation contained in the declaration of the Government of the Federal Republic of Germany, dated 11 October 1993.

The Government of Austria declares that Poland's declaration concerning Article 6, paragraph 1(b) of the European Convention on Extradition is interpreted by Austria in the same way, as meaning that persons who have been granted asylum in Poland will be placed on an equal footing with Polish nationals only in the event of a request for extradition by the persecuting State and that, in that case, such persons will not be extradited.

The declaration by Poland concerning Article 6, paragraph 1(b) is compatible with the aim and purpose of the Convention only if the extradition to a third state of persons granted asylum in Poland is not refused solely on the grounds that those persons are treated as Polish nationals.

Verklaring van Turkije, 21 juni 1994

Concerning the reservations and declarations formulated by Poland at the time of ratification of the European Convention on Extradition, the Turkish Government shares the interpretation made by the Federal Republic of Germany and Austria, registered respectively on 13 October 1993 and 11 January 1994.

The Turkish Government considers that Poland's declaration concerning Article 6, paragraph 1.b, which assimilates persons who have been granted asylum in Poland to Polish nationals, is compatible with the aim and purpose of the Convention only if it does not apply to cases of extradition of the said persons to a third State other than that in respect of which asylum has been granted.

Polen, 24 februari 2005

In accordance with Article 28, paragraph 3, of the Convention, the Republic of Poland hereby declares that since 1 May 2004 in relations with the Member States of the European Union, it will apply the internal legal provisions implementing the provisions of the Council Framework Decision of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States (2002/584/JHA) insofar as the Framework Decision is applicable in relations between Poland and these States.

The provisions of the aforementioned Framework Decision were implemented in the Polish law by virtue of the statute amending the Penal Code, Code of Criminal Procedure and the Code of Misdemeanors, dated 18 March 2004.

Portugal, 13 februari 1990

The term "nationals" within the meaning of the Convention shall apply to Portuguese citizens, regardless of how they acquired their nationality. Portugal shall not grant the extradition of persons who are to be tried by a special court or who are to serve a sentence passed by such a court.

Portugal shall not grant the extradition of persons who it has been proved will be subjected to a trial which affords no legal guarantees of criminal proceedings complying with the conditions internationally recognised as essential to the protection of human rights, or will serve their sentences in inhuman conditions.

Portugal shall not grant the extradition of persons who are being demanded in connection with an offence punishable by a life-long sentence or detention order.

Portugal shall grant extradition only for offences punishable by deprivation of liberty for more than one year.

Portugal shall not grant extradition in respect of Portuguese nationals.

Portugal shall not grant extradition for offences punishable by the death penalty under the law of the requesting state.

Portugal shall authorise transit through its national territory only in respect of persons whose circumstances are such that their extradition may be granted.

Verklaring van België, 29 augustus 1997

The Belgian Government considers that the reservation made by Portugal regarding Article 1, item c, is not compatible with the object of the Convention. It takes the reservation to mean that extradition shall not be granted only if, in accordance with the legislation of the requesting State, the person sentenced to life imprisonment cannot be released after a certain time, following a legal or administrative procedure.

Bezwaar door Duitsland, 5 februari 1991

The Government of the Federal Republic of Germany considers Portugal's reservation (under item c) to Article 1 of the Convention to be compatible with the object and purpose of the Convention only if refusal to grant extradition for offences punishable by a life-long sentence or detention order is not absolute. It takes the reservation to mean that the only circumstance in which extradition will not be granted is where there is no possibility under the law of the requesting state for the person sentenced to life imprisonment, having completed a certain proportion of the sentence or period of detention, to obtain a judicial review of his case with a view to having the remainder of the sentence commuted to probation.

Verklaring van Oostenrijk, 7 juni 1991

With reference [...] the declarations and reservations made by Portugal in respect of the European Convention on Extradition and with reference to the declaration by the Government of the Federal Republic of Germany dated 4 February 1991, I have the honour to inform you that my Government shares the German interpretation of the matter.

Article 11 of the European Convention on Extradition provides for the possibility of refusing extradition in cases in which the offence for which extradition is requested is punishable by death under the law of the requesting party. However, the Convention does not contain a similar provision for sentences of life imprisonment.

The application of the European Convention on Extradition in respect of Portugal without the interpretation proposed by the German Government would result in a situation where extradition for a crime punishable by life imprisonment would have to be refused.

This is not compatible with the meaning and purpose of the Convention. The result of such an application would be the regular

refusal of extradition for serious crimes and the authorisation of extradition for relatively minor crimes. This would be contrary to the purpose of the Convention, namely to achieve co-operation between the Contracting Parties to take international action against crime.

Verklaring van de Russische Federatie, 10 december 1999

The Russian Federation shares the opinions expressed by the Government of the Federal Republic of Germany in its declaration of February 4, 1991, by the Government of the Republic of Austria – in its declaration of June 4, 1991 and by the Government of the Swiss Confederation – in its declaration of August 21, 1991, concerning the reservation by Portugal of February 12, 1990 to Article 1 of the Convention.

The Portuguese reservation to Article 1 of the Convention is compatible with the objective and purpose of the Convention unless the refusal to extradite a person who has committed the offence punishable by life imprisonment or whom the court has committed to custody as a preventive punishment is absolute. This allows to interpret the above-mentioned reservation in a manner that extradition will not be granted unless the law of the requesting State provides for the possibility to review the case of a person sentenced to life imprisonment who has served a part of his term or has been held in custody for some time, with a view to release him on parol.

Verklaring van Zwitserland, 22 augustus 1991

With reference to the reservation made by Portugal concerning Article 1 (c) of the European Convention on extradition, I have the honour to inform you that my Government supports the declaration sent to you on this question by the German Government on 4 February 1991, and the declaration sent to you on 4 June 1991 by the Austrian Government in support of the German position.

In fact, the reservation in question is compatible with the object and purpose of the Convention only if refusal to grant extradition for offences punishable by a life-long prison sentence or detention order is not absolute. My Government also takes the reservation to mean that extradition will be refused only when there is no possibility under the law of the requesting state for the person sentenced to life imprisonment, having completed a certain part of his sentence or period of detention, to obtain a judicial review of his case with a view to having the remainder of the sentence commuted to probation.

Portugal, 18 april 2005

In accordance with Article 28, paragraph 3, of the Convention, the Portuguese Republic notifies the applicability, in its relations with the other Member States of the European Union, of the European Union Council Framework Decision 2002/584/JHA of 13 June 2002, on the European arrest warrant and the surrender procedures between Member States of the European Union.

The Framework Decision was implemented in Portuguese law by Law n° 65/2003 of 23 August 2003, and, in accordance with Article 40 of this Law, its legal framework is in force since 1 January 2004 and is applicable to requests for surrender (extradition) made by Member States of the European Union which opted for the immediate application of the Framework Decision, as from that date.

Roemenië, 10 september 1997

Concerning Article 6, paragraph 1.a: Romania will not extradite its citizen and persons to whom asylum has been granted in Romania.

Concerning Article 6, paragraph 1.b: the term “nationals”, in the sense of this Convention, designates Romanian citizens or persons to whom asylum has been granted in Romania.

Concerning Article 21, paragraph 5: Request for transit through Romania’s territory of a Romanian citizen or a person to whom asylum has been granted in Romania will be refused.

Concerning Article 2, paragraph 1: Romania will request and grant extradition:

- for the prosecution of judgment solely of acts the performance of which results, under the laws of the requesting Party and of the requested Party, in a deprivation of liberty exceeding two years or in a more severe penalty;
- for the enforcement of a sentence only if the deprivation of liberty exceeds one year or is more severe.

Bezwaar door Oostenrijk, 5 december 1997

The Government of Austria declares that Romania’s declaration concerning Article 6, paragraph 1 (a) and (b) and Article 21, paragraph 5, of the Convention is interpreted by Austria in the way that persons who have been granted asylum in Romania will be placed on an equal footing with Romanian nationals only in the event of a request for extradition or transit through Romania’s territory by the persecuting State and that, in that case, such persons will neither be extradited nor transited through Romania. The declaration by Romania concerning Article 6, paragraph 1 (a) and (b) and Article 21, paragraph 5, is compatible with the aim and purpose of the Convention only if the extradition or transit through Romania’s territory to a third State of persons granted asylum in Romania is not refused solely on the grounds that those persons are treated as Romanian nationals.

Roemenië, 17 juli 2006

Romania declares that, [...], the declaration formulated by Romania on Article 6, paragraph 1, of the Convention is amended as follows:

The Romanian citizens may not be extradited. By derogation of these provisions, the Romanian citizen may be extradited from Romania in accordance with the international conventions to which Romania is Contracting Party and on the basis of reciprocity, only if one of the following conditions is fulfilled:

- a) the soliciting State, in order to carry on the criminal prosecution and the judgment, gives assurances estimated as satisfactory, that, if a conviction to a punishment depriving of liberty is pronounced by a final decision of justice, the Romanian citizen will be transferred to serve the punishment in Romania;
- b) the Romanian citizen has his residence in the State that formulated the request at the date of the formulation of the request for extradition;
- c) the Romanian citizen has also the citizenship of the soliciting State,
- d) the Romanian citizen committed the fact on the territory or against a citizen of a member State of the European Union, if the soliciting State is member of the European Union.

The person for whom asylum was granted in Romania may not be extradited.

Romania declares that, [...] the declaration formulated by Romania on Article 21, paragraph 5, of the Convention is amended as follows:

If the transit across the territory of Romania is asked for a Romania citizen or a person who has the asylum right in Romania, the provisions of the paragraph 1 are amended accordingly.

Roemenië, 6 oktober 2006

Romania declares that, in accordance with Article 3 of the Law No. 224/2006, the reservation based on Article 2, paragraph 1, of the Convention, contained in the instrument of ratification deposited on 10 September 1997 is withdrawn.

Roemenië, 9 februari 2007

In accordance with Article 28, paragraph 3, of the European Convention on Extradition, Romania declares that, starting with 1 January 2007, it applies Title III of the Law no. 302/2004 on the judicial cooperation in criminal matter, which implements the provisions of the European Union Council Framework Decision no. 584/JHA of 13 June 2002 on the European arrest warrant and the surrender of all persons between Member States, in relations between Romania and the other Member States of the European Union.

By way of exception, the European Convention on Extradition, done at Paris on 13 December 1957, and its Additional Protocols, done at Strasbourg on 15 October 1975 and 17 March 1978, will continue to apply in the following cases:

- a. to the extradition requests made or received before 1 January 2007, which are pending, and also to the requests made on the grounds of Article 14 of the European Convention on Extradition, regarding extradition requests made before that date;
- b. to the acts which represent the object of notifications sent by some Member States of the European Union to the General Secretariat of the Council of the European Union according to Article 32 of the Framework Decision of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States, with the meaning that for those acts the provisions of the extradition treaties in force will continue to apply on a transitory basis.

The above does not alter by any means the application of the Convention in relations between Romania and the Parties to the Convention that are not Member States of the European Union.

Russische Federatie, 10 december 1999

In accordance with Article 1 of the Convention the Russian Federation shall reserve the right to refuse extradition:

- a. if extradition is requested for the purpose of bringing to responsibility before an ad hoc tribunal or by summary proceedings or for the purposes of carrying out a sentence rendered by an ad hoc tribunal or by summary proceedings when there are grounds for supposing that in the course of these proceedings the person will not be or was not provided with minimum guarantees set forth in Article 14 of the International Covenant on Civil and Political Rights and Articles 2, 3 and 4 of Protocol 7 to the Convention for the Protection of Human Rights and Fundamental Freedoms. The terms “ad hoc tribunal” and “summary proceedings” do not include any international criminal court with authorities and jurisdiction recognised by the Russian Federation;
- b. if there are grounds for supposing that the person requested for extradition in the requesting State was or will be exposed to torture or other cruel, inhuman or degrading treatment or punishment in the course of the criminal proceedings, or the person was not or will not be provided with minimum guarantees set forth in Article 14 of the International Covenant on Civil and Political Rights and Articles 2, 3 and 4 of Protocol 7 to the Convention for the Protection of Human Rights and Fundamental Freedoms;
- c. based on the considerations of humanity, when there are grounds for supposing that the extradition of the person can seriously affect him due to his old age or state of health.

In accordance with paragraphs 3 and 4 of Article 2 of the Convention, the Russian Federation shall reserve the right not to extradite the persons whose extradition can affect its sovereignty, security, public order or other essential interests. Offences that may not lead to extradition shall be stated by the federal law.

The Russian Federation shall not be liable for claims for property and/or moral damage caused by the temporary arrest of the person in the Russian Federation in accordance with Article 16 of the Convention.

In accordance with paragraphs 4 and 5 of Article 18 of the Convention the Russian Federation shall not be liable for claims for property and/or moral damage caused by the delay or cancellation of the surrender of persons to be extradited.

The Russian Federation declares that in accordance with Article 23 of the Convention when producing the documents relating to extradition to the Russian Federation, their authenticated translation into the Russian language is required.

The Russian Federation proceeds from the understanding that the provisions of Article 3 of the Convention should be so applied as to ensure inevitable responsibility for offences under the provisions of the Convention.

The Russian Federation proceeds from the understanding that legislation of the Russian Federation does not provide for the notion “political offences”. In all cases when deciding on extradition the Russian Federation will not consider as “political offences” or “offences connected with political offences” along with offences, specified in Article 1 of the 1975 Additional Protocol to the 1957 European Convention on Extradition, in particular, the following acts:

- a. the crimes against humanity specified in Articles II and III of the International Convention on the Suppression and Punishment of the Crime of Apartheid (1973) and in Articles 1 and 4 of Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984);
- b. the crimes specified in Article 85 of Additional Protocol I to the Geneva Conventions of August 12, 1949 relating to the Protection of Victims of International Armed Conflicts (1977), and in Articles 1 and 4 of Additional Protocol II to the Geneva Conventions of August 12, 1949 relating to the Protection of Victims of Non-International Armed Conflicts (1977);
- c. the offences specified in the Convention for the Suppression of Unlawful Seizure of Aircraft (1970), the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (1971) and the Protocol for the Suppression of Unlawful Acts of Violence in Airports Serving International Civil Aviation (1988) supplementary to the above-mentioned 1971 Convention ;
- d. the crimes specified in the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents (1973);
- e. the crimes specified in the International Convention Against the Taking of Hostages (1979);
- f. the offences specified in the Convention for Physical Protection of Nuclear Materials (1980);

g. the offences specified in the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (1988);

h. other comparable crimes specified in the multilateral international treaties which the Russian Federation is a party to.

With respect to sub-paragraph “a” of paragraph 1 of Article 6 of the Convention the Russian Federation declares that in accordance with Article 61 (part I) of the Constitution of the Russian Federation a citizen of the Russian Federation may not be extradited to another State.

The Russian Federation declares that in accordance with Article 21 of the Convention transit of an extradited person through the territory of the Russian Federation is allowed subject to the observance of the terms of extradition.

The Prosecutor-General’s Office shall be a body appointed by the Russian Federation to hear extradition cases.

A decision of the competent authorities of the Russian Federation on extradition may be appealed by a person against whom a decision on extradition has been rendered, in the court of law in accordance with the legislation of the Russian Federation.

San Marino, 18 maart 2009

Concerning Article 1: The Republic of San Marino shall not grant extradition of persons:

a. who are tried by a special court or who are to serve a sentence passed by such court;

b. who will be subjected to a trial which affords no legal guarantees of criminal proceedings complying with the conditions internationally recognized as essential for the protection of human rights, or will serve their sentences in inhuman conditions.

Concerning Article 2: The Republic of San Marino shall authorize transit through its own territory only in respect of persons for whom extradition would be granted.

Concerning Article 23: If the request for extradition and the documents to be produced are not in Italian, they shall be accompanied by a translation into the Italian language or into one of the official languages of the Council of Europe.

Concerning Article 28: The Republic of San Marino declares that all bilateral agreements on extradition made with the Contracting Parties of the Convention will remain in force.

Concerning Article 1: The term “national” within the meaning of the Convention shall apply to any San Marino citizen, regardless of how he/she acquired his/her nationality.

Concerning paragraph Article 6, point 1.a: The Republic of San Marino will not grant extradition of San Marino citizens.

Servië, 30 september 2002

The Federal Republic of Yugoslavia shall refuse extradition, in accordance with Article 6, paragraph 1(a), of the Convention, and transit of its nationals in accordance with Article 21, paragraph 2, of the Convention. In accordance with Article 21, paragraph 5, of the Convention, the Federal Republic of Yugoslavia shall grant the transit of a person exclusively under the same conditions applicable in case of extradition.

Servië, 4 februari 2011

The Republic of Serbia withdraws its declaration of 30 September 2002 contained in the instrument of accession to the European Convention on Extradition, concerning Article 6, paragraph 1.a, and Article 21, paragraph 2, of the Convention. The Republic of Serbia will continue to apply the declaration concerning Article 21, paragraph 5, of the Convention.

Slovenië, 30 september 2004

In accordance with Article 28, paragraph 3, of the European Convention on Extradition, the Government of Slovenia declares that the Republic of Slovenia implemented the EU Council Framework Decision 2002/584/JHA on the European arrest warrant and the surrender procedures. The Act entered into force on 1 May 2004 and is applicable to requests for surrender (extradition) among Member States made after that date and for offences committed after 7 August 2002.

The provisions of the Act on the European arrest warrant and the surrender procedures thereby replace the provisions of the European Convention on Extradition of 13 December 1957 and its two Additional Protocols of 15 October 1975 and 17 March 1978, insofar as the Council Framework Decision on the European arrest warrant and the surrender procedures is applicable in relations between Slovenia and other Member States.

Slowakije, 28 april 1994

Under the terms of the Article 21.5, the transit of a person within the meaning of Article 21 will be granted only on conditions applied in cases of extradition.

Slowakije, 4 mei 2000

The Slovak Republic invites the other Contracting Parties to present their requests and supporting documents which are not drawn up in either Slovak or one of the official languages of the Council of Europe with a translation into one of these languages.

Slowakije, 28 juli 2006

In accordance with Article 28, paragraph 3, of the European Convention on Extradition of 13 December 1957, the Slovak Republic notifies that it shall not apply the said Convention and its two Additional Protocols

of 15 October 1975 and 17 March 1978, in relations to those Contracting Parties – Member States of the European Union – which implemented the Council Framework Decision of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States of the European Union (2002/584/JHA), and which apply procedures based on that Framework Decision. The Slovak Republic considers the said Framework Decision as uniform law under the Article referred to.

The Slovak Republic shall continue to apply the provisions of the Convention and its two Additional Protocols in relations to the Member States of the European Union to the extent that these provisions were not replaced by the Framework Decision and in cases to which the Framework Decision does not apply (including cases covered by declarations by the Member States).

Spanje, 7 mei 1982

The person claimed may not be brought to trial before a special court in the territory of the requesting State. Extradition shall not be granted for this purpose nor for the enforcement of a sentence or detention order imposed by courts of this nature.

Spain will not grant extradition if liability to criminal prosecution has lapsed for any cause for which provision is made in the legislation of the requesting Party or the requested Party.

Spain will grant transit only on the conditions specified for extradition in the present Convention.

Spain will require the requesting Party to supply a translation into Spanish, French or English of the request for extradition and the accompanying documents.

Spain will apply the rule of reciprocity in respect of offences excluded from the application of the present Convention by virtue of Article 2 thereof.

For the purposes of extradition, apart from the offences mentioned in Article 3(3) of the Convention, acts of terrorism will not be deemed to be political offences.

For the purposes of the present Convention, Spain will consider as nationals the persons entitled to that quality by virtue of the provisions of Title I of Book I of the Spanish Civil Code.

Final judgment shall be deemed to have been passed on a person when the judicial decision in question is no longer subject to any ordinary appeal either because all remedies have been exhausted, or because the decision has been accepted, or on account of its specific nature.

If the offence for which extradition is requested is punishable by death under the law of the requesting Party, Spain will refuse extradition unless the requesting Party gives such guarantees as the requested Party considers sufficient that the death penalty will not be imposed or, if imposed, will not be carried out.

Tsjechië, 2 januari 1993

Under the terms of the Article 21.5, the transit of a person within the meaning of Article 21 will be granted only on conditions applied in cases of extradition.

Tsjechië, 12 juni 2006

In accordance with Article 28, paragraph 3, of the European Convention on Extradition, the Czech Republic notifies that, as from 1 July 2006, it enacted an amendment of legislation implementing the Framework Decision of the Council of the European Union of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States (2002/584/JHA; hereinafter “framework decision on the European arrest warrant”), which the Czech Republic considers a uniform law as provided for by Article 28, paragraph 3, of the European Convention on Extradition, and which the Czech Republic will apply in relation to Member States of the European Union, which also apply legislation implementing the framework decision on the European arrest warrant. The European Convention on Extradition and its two Protocols of 15 October 1975 and 17 March 1978 shall continue to apply on extradition of a Czech national from the Czech Republic to another Member State of the European Union for offences committed before 1 November 2004. The Czech Republic shall continue to apply Article 3 of the Treaty between the Slovak Republic and the Czech Republic on Mutual Assistance Rendered by Judicial Authorities and Regulation of Some Legal Relations in Civil and Criminal Matters, done in Prague on 29 October 1992, and Article XV of the Treaty between the Czech Republic and Austria on Supplement to the European Convention on Extradition of 13 December 1957 and on Facilitation of its Application, done in Vienna on 27 June 1994, on whose basis the European arrest warrants and other documents are transmitted without translation into the official language of the requested State.

Turkije, 13 december 1957

The assurance mentioned in Article 11 will be limited to the following procedure:

In the event of extradition to Turkey of an individual under sentence of death or accused of an offence punishable by death, any requested Party whose law does not provide for capital punishment shall be authorised to transmit a request for commutation of death sentence to life imprisonment. Such request shall be transmitted by the Turkish Government to the Grand National Assembly, which is the final instance for confirming a death sentence, insofar as the Assembly has not already pronounced on the matter.

Vereinigd Koninkrijk, 13 februari 1990

The United Kingdom reserves the right to refuse to grant extradition which is requested pursuant to or for the purpose of executing a convic-

tion or sentence pronounced against the person concerned in his absence from proceedings in respect of which the conviction or sentence was pronounced.

The United Kingdom may decide to grant extradition in respect of any offences which under the law of the requesting State and the law of the United Kingdom are punishable by a sentence of imprisonment for a term of 12 months or any greater punishment, whether or not such a sentence has in fact been imposed.

The United Kingdom reserves the right to refuse extradition if it appears, in relation to the offence or each of the offences in respect of which a person's return is sought that by reason of its trivial nature, or because the accusation is not made in good faith in the interests of justice, it would in all the circumstances be unjust or oppressive to return him.

The United Kingdom reserves the right to apply the provisions of Article 3 paragraph 3 only in respect of States parties to the European Convention on the Suppression of Terrorism.

The United Kingdom may refuse to extradite a person if the authorities in any part of the United Kingdom, the Channel Islands or the Isle of Man have instituted or are about to institute criminal or other proceedings against that person, whether or not those proceedings are in respect of the offence or offences for which extradition is requested.

The United Kingdom reserves the right to refuse to grant extradition of a person accused of an offence, if it appears that that person would if charged with that offence in the United Kingdom be entitled to be discharged under any rule of law relating to previous acquittal or conviction.

The United Kingdom reserves the right to refuse extradition if it appears, in relation to the offence, or each of the offences, in respect of which the person's return is sought, that by reason of the passage of time since he is alleged to have committed it, or to have become unlawfully at large, as the case may be, it would, having regard to all the circumstances, be unjust or oppressive to return him.

Reservation relating to Article 12 reads as follows:

1. In addition to the request and any supporting documents, the United Kingdom will require a statement indicating whether or not a conviction in respect of which extradition is requested was obtained in the presence of the person whose return is sought.

[2. ...]

3. The statement of the offences for which extradition is requested must contain a description of the conduct which it is alleged constitutes the offence or offences for which extradition is requested.

4. For the purposes of proceedings in the United Kingdom, foreign documents shall be deemed duly authenticated

- a. if they purport to be signed by a judge, magistrate or officer of the State where they were issued; and
- b. if they purport to be certified by being sealed with the official seal of the Minister of Justice, or some other Minister of State, of that State.

The United Kingdom reserves the right in any case to refuse to consent to a person who has been extradited being proceeded against, sentenced or detained with a view to carrying out the sentence or detention order for any offence committed prior to his surrender other than that for which he was extradited or to his being for any other reason restricted in his personal freedom.

The United Kingdom cannot accept the application of Article 21.

The documents to be produced shall be in English or accompanied by a translation into English.

This Convention shall apply to the United Kingdom of Great Britain and Northern Ireland, to the Channel Islands and to the Isle of Man. The United Kingdom reserves the right to notify the Secretary General of the application of the Convention to any territory for the international relations of which the United Kingdom is responsible.

The Convention supersedes the provisions of bilateral treaties between the United Kingdom and other Contracting Parties only to the extent that the Convention applies, by or under Article 27, to the United Kingdom, the Contracting Parties, and any territories for whose international relations the United Kingdom or Contracting Parties are responsible.

The Convention shall not apply between the United Kingdom and any Contracting Party when laws are in force in the United Kingdom and in that Contracting Party providing for the execution in the territory of each of them of warrants issued in the territory of the other.

The United Kingdom, in giving effect to this Convention, will have regard to its human rights obligations under the European Convention on Human Rights.

Zuid-Afrika, 11 juni 2003

For the purposes of Article 6 of the Convention, the term “nationals” is defined, in terms of South Africa’s legal system, as persons who have acquired South African citizenship by means of birth, descent or naturalisation. This includes persons with citizenship of South Africa and of another country. These persons will all be liable to be extradited. South Africa’s acceptance of dual citizenship will therefore not bar the extradition of a person where he or she is also in possession of a citizenship of a country which prohibits the extradition of its nationals.

For the purposes of Article 2 of the Convention, the Republic of South Africa shall not extradite any person unless the punishment awarded for a conviction in respect of which he or she is being sought, is a sentence of imprisonment of at least six months.

Zuid-Korea, 29 september 2011

In respect of Article 2 of the Convention, the Republic of Korea reserves the right to refuse the extradition of a person sought for the enforcement of a detention order if the detention order system of the requesting Party is incompatible with the purpose, requirements, period, effect, etc. of the detention order stipulated in the law of the Republic of Korea.

In respect of Article 12 of the Convention, if the request for extradition relates to a person who has not yet been found guilty, the Republic of Korea reserves the right to request material that may provide reasonable grounds to suspect that the person sought has committed the offence for which extradition is requested. Extradition may be refused if there are no substantial grounds to suspect that the person has committed the extraditable offence.

In respect of Article 2, paragraph 1, of the Convention, the Republic of Korea declares that “the punishment awarded” shall mean the remaining period of sentence to be served. It shall not mean the sentence initially imposed.

The Republic of Korea declares that if it gives assurance pursuant to Article 11 of the Convention, the death penalty will not be carried out even if it is imposed by a court of the Republic of Korea.

In respect of Article 16, paragraph 3, of the Convention, the Republic of Korea declares that it shall send a request for provisional arrest through the diplomatic channel or directly between the Ministries of Justice of the Contracting Parties, and not through the International Criminal Police Organisation.

In respect of Article 21, paragraph 5, of the Convention, the Republic of Korea reserves the right to grant transit on the conditions on which it grants extradition.

Zweden, 22 januari 1959

Within the meaning of this Convention the term “nationals” shall denote, in addition to Swedish nationals, aliens domiciled in Sweden, nationals in Denmark, Finland, Iceland and Norway, as well as aliens domiciled in these States.

The transit requested will only be granted on the same conditions as extradition is granted, allowance being made for individual circumstances.

Sweden reserves the right, when granting extradition, to stipulate that the extradited person may not be summoned to appear before a court which is only provisionally, or under exceptional circumstances, empowered to deal with such offences, as well as the right to refuse extradition for the execution of a sentence rendered by such special court.

Sweden reserves the right to refuse extradition in special cases, if that measure is manifestly incompatible with its humanitarian obligations, on account of the age, the state of health or any other condition affecting the individual in question, having regard also to the nature of the offence and the interests of the requesting State.

Sweden reserves the right, in the light of individual circumstances, to regard the offence mentioned in paragraph 3 of this Article as a political offence.

Where an offence under military law also comprises an offence in respect of which extradition has been granted, Sweden reserves the right to stipulate that the extradited person may not be penalised in applica-

tion of provisions relating to offences committed by members of the armed services.

Even though the sentence rendered or the warrant of arrest issued by a court or a judge in a State which is a Party to the Convention are generally accepted, Sweden reserves the right to refuse the extradition requested if an examination of the case in question shows that the said sentence or warrant is manifestly ill-founded.

If the individual whose extradition has been granted has not been taken over on the date appointed by the representing State, Sweden reserves the right immediately to annul the measure of restraint imposed upon him.

Zweden, 19 december 2003

In accordance with Article 28, paragraph 3, of the European Convention on Extradition, Sweden will, from 1 January 2004, apply Council Framework Decision 2002/584/JHA on the European arrest warrant and the surrender procedures between Member States in relation to Member States of the European Union, insofar as the Framework Decision is applicable in relations between Sweden and the other Member State.

Zwitsersland, 20 december 1966

The Swiss Federal Council declares that extradition by Switzerland is in all cases subject to the condition that the person claimed is not brought before an extraordinary court (tribunal d'exception). It therefore reserves the right to refuse extradition:

- a. if there is a possibility that the person claimed, if extradited, will be brought before an extraordinary court (tribunal d'exception) and if the requesting State does not give assurances deemed sufficient, that the judgment will be passed by a court which is generally empowered under the rules of judicial administration to pronounce on criminal matters;
- b. if extradition is requested for the purpose of carrying out a sentence passed by an extraordinary court (tribunal d'exception).

Notwithstanding Article 3, paragraph 3, of the Convention, Switzerland reserves the right to refuse extradition on the basis of Article 3, paragraph 1 when it is requested for the taking or attempted taking of the life of a Head of State or a member of his family.

Switzerland reserves the right to refuse extradition, in derogation of Article 9, if the decisions motivating the refusal of extradition in accordance with that Article have been rendered in a third State in whose territory the offence was committed.

Switzerland reserves the right to grant extradition, notwithstanding the first sentence of Article 9, if it has granted extradition for other offences and the requesting State has shown that new facts or evidence which have come to its knowledge justify a review of the decision motivating the refusal for extradition in accordance with this Article, or if the person sought has not served all or part of the punishment imposed on him by that decision.

Switzerland reserves the right to apply Article 11, *mutatis mutandis*, also in cases where the law of the requesting State provides that the person claimed may, in respect of the offence for which extradition is requested, be sentenced to corporal punishment or be subjected to such treatment against his will.

The Swiss Federal Council declares that the Swiss authorities regard discharge as final within the meaning of Article 14 if it enables the person extradited to move about freely without breaking the rules of behaviour and other conditions laid down by the proper authority. For the Swiss authorities, an extradited person is in all cases deemed to be able to leave the territory of a State within the meaning of this Article if he is not in fact prevented from leaving by a disease or some other actual restriction of his freedom of movement.

Switzerland asks that any request addressed to it in accordance with Article 16, paragraph 2, contain a brief description of the offence alleged against the person claimed, including the essential particulars by which the nature of the offence can be appraised with reference to the law of extradition.

Switzerland reserves the right not to authorise transit in cases where the offence alleged against the person claimed comes within the provisions of Article 5 of the Convention or constitutes an infringement of commodity trade, restrictions of market regulations.

Switzerland asks that requests in connection with extradition addressed to its authorities, and documents annexed thereto, be accompanied by a translation into French, German or Italian if they are not written in one of these languages.

Zwitzerland, 26 januari 1983

The reservation on Article 2, paragraph 2 read as follows:

The Federal Council declares that if extradition is or has been granted in respect of an offence which is extraditable under Swiss law, Switzerland may extend the effects thereof to any other offence punishable under Swiss ordinary law.

The reservation on Article 6 read as follows:

The Federal Council declares that Swiss law allows Swiss nationals to be extradited only on the conditions specified in Article 7 of the Federal Act of 20 March 1981 on International Mutual Assistance in Criminal Matters. Provided that the statutory requirements are satisfied, offences committed outside Switzerland which are punishable under Swiss law as felonies ("crimes") or misdemeanours ("délits") may be prosecuted and tried by the Swiss authorities in the following cases: – where they were committed against Swiss nationals (Article 5 of the Swiss Criminal Code of 21 December 1937); – where they are extraditable under Swiss law and were committed by a Swiss national (Article 6 of the Swiss Criminal Code); – where they were committed on board a Swiss ship or Swiss aircraft (Article 4 of the Federal Act of 23 September 1953 on Shipping under the Swiss flag; Article 97 of the Federal Act of 21 December 1948

on Air Navigation); – where the special statutory provisions so stipulate in respect of certain offences (Articles 202 and 240 of the Swiss Criminal Code; Article 19 of the Federal Act of 3 October 1951 on Narcotics; Article 101 of the Federal Act of 19 December 1958 on Road Traffic; Article 16 of the Federal Act of 14 March 1958 on the Liability of the Confederation, Members of its Authorities and its Civil Servants; Article 12 of the Federal Act of 26 September 1958 on the Export Risk Guarantee).

In accordance with the Act of 20 March 1981 on International Mutual Assistance in Criminal Matters, other offences committed abroad by a Swiss national may be prosecuted in Switzerland at the request of the State in which they were committed in cases where the person concerned is in Switzerland and is answerable there for offences of a more serious kind and where, if he is acquitted or punished in Switzerland, he is not liable to be prosecuted again for the same act in the requesting State.

G. INWERKINGTREDING

Zie *Trb.* 1969, 62, *Trb.* 1991, 78, *Trb.* 1993, 110, *Trb.* 1993, 163, *Trb.* 1994, 7, *Trb.* 1994, 21, *Trb.* 1994, 38, *Trb.* 1994, 66, *Trb.* 1994, 115, *Trb.* 1994, 167, *Trb.* 1994, 218, *Trb.* 1995, 45, *Trb.* 1995, 231, *Trb.* 1995, 266, *Trb.* 1996, 93, *Trb.* 1996, 140, *Trb.* 1996, 278, *Trb.* 1997, 71, *Trb.* 1997, 231, *Trb.* 1997, 247, *Trb.* 2000, 13, *Trb.* 2000, 53, *Trb.* 2001, 22, rubriek H van *Trb.* 2002, 54 en rubriek G van *Trb.* 2006, 168.

J. VERWIJZINGEN

Zie voor verwijzingen en overige verdragsgegevens *Trb.* 1965, 9, *Trb.* 1969, 62, *Trb.* 1970, 131, *Trb.* 1971, 130, *Trb.* 1977, 20, *Trb.* 1982, 6, *Trb.* 1986, 47, *Trb.* 1987, 186, *Trb.* 1991, 78, *Trb.* 1993, 110, *Trb.* 1993, 163, *Trb.* 1994, 21, *Trb.* 1994, 38, *Trb.* 1994, 66, *Trb.* 1994, 115, *Trb.* 1996, 278, *Trb.* 1997, 71, *Trb.* 2000, 13, *Trb.* 2000, 53, *Trb.* 2002, 54 en *Trb.* 2006, 168.

Verbanden

- Titel : Aanvullend Protocol bij het Europees Verdrag betreffende uitlevering;
Straatsburg, 15 oktober 1975
- Laatste *Trb.* : *Trb.* 2012, 114
- Titel : Tweede Aanvullend Protocol bij het Europees Verdrag betreffende uitlevering;
Straatsburg, 17 maart 1978
- Laatste *Trb.* : *Trb.* 2012, 115

Overige verwijzingen

- Titel : Uitleveringsverdrag tussen het Koninkrijk der Nederlanden en de Franse Republiek, toepasselijk op het grondgebied der wederzijdse Staten gelegen in en buiten Europa, en op het onder bescherming van een der beide Staten staande gebied;
Parijs, 24 december 1895
- Laatste *Trb.* : *Trb.* 1994, 74
- Titel : Verdrag betreffende uitlevering en rechterlijke bijstand in strafzaken tussen het Koninkrijk der Nederlanden en Finland;
Stockholm, 21 februari 1933
- Laatste *Trb.* : *Trb.* 1982, 51
- Titel : Statuut van de Raad van Europa;
Londen, 5 mei 1949
- Laatste *Trb.* : *Trb.* 2007, 146
- Titel : Europees Verdrag aangaande de wederzijdse rechtshulp in strafzaken;
Straatsburg, 20 april 1959
- Laatste *Trb.* : *Trb.* 2012, 116
- Titel : Verdrag inzake de overbrenging van gevonniste personen;
Straatsburg, 21 maart 1983
- Laatste *Trb.* : *Trb.* 2009, 36

Uitgegeven de *dertiende* juli 2012.

De Minister van Buitenlandse Zaken,

U. ROSENTHAL